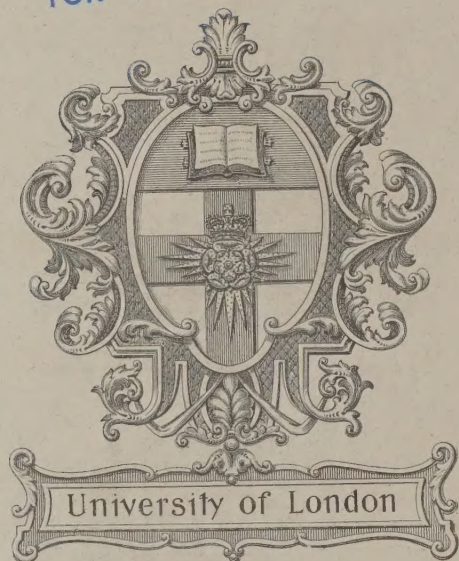


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B I L L S,
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S I X V O L U M E S.

—(2.)—

CINQUE PORTS

TO

CORPORATIONS.

Session

4 *February* — 20 *August* 1836.

VOL. II.

1836.



REPORT

1888

THE REPORT OF THE

COMMISSIONERS OF THE

LAND OFFICE, IN RESPONSE TO A RESOLUTION PASSED BY THE HOUSE OF REPRESENTATIVES, MARCH 18, 1888, RELATIVE TO THE LANDS BELONGING TO THE UNITED STATES.

WASHINGTON: GOVERNMENT PRINTING OFFICE: 1888.

THE LANDS BELONGING TO THE UNITED STATES.

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BILLS:

1836.

SIX VOLUMES:—CONTENTS OF THE SECOND VOLUME.

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A

B I L L

For the better Administration of Justice in the Cinque Ports.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH E R E A S by an Act passed in the last Session of Parlia-
ment, intituled, “An Act to provide for the Regulation of
Municipal Corporations in England and Wales,” certain Enactments
were made as to the Jurisdiction of the Cinque Ports, and it is expe-
5 **E**nacted, by The KING’s most Excellent MAJESTY, by and with the
Advice and Consent of the Lords Spiritual and Temporal, and Commons,
in this present Parliament assembled, and by the Authority of the same,
THAT so much of the said Act as provides that the Courts of Quarter
10 Sessions of the Peace of the Towns and Ports of Hastings, Sandwich,
Dover and Hythe, and of the ancient Town of Rye, or of such of the
said Towns and Ports and ancient Town to which His Majesty should
grant a separate Court of Quarter Sessions of the Peace, should have
Jurisdiction over offences and matters committed, arising and happen-
15 ing within the Towns named in the Schedule to the said Act, which are
Corporate Members and Liberties of the said Towns and Ports and
ancient Town respectively, and to which His Majesty should not grant
a separate Court of Quarter Sessions, and also provides that any or
either of the said Towns and Ports of Hastings, Sandwich, Dover and
20 Hythe and ancient Town of Rye, to which His Majesty should not
grant a separate Court of Quarter Sessions of the Peace, and their or
its Members and Liberties, should, for all purposes relating to the Juris-
diction of Courts of Quarter Sessions of the Peace, be respectively
within the Jurisdiction of the Courts of Quarter Sessions of the Peace
of the nearest other of the said Towns and Ports or ancient Town to

Preamble.

1.
Provisions of
Municipal
Act, giving
Jurisdiction
to nearest
Cinque Port
having Quar-
ter Sessions
over other
Cinque Ports
and other
Corporate
Members, re-
pealed.

which His Majesty should grant a separate Court of Quarter Sessions of the Peace, shall be and the same is hereby Repealed.

2.

Justices and Coroners of County to have Jurisdiction over Cinque Port Towns and Members which shall not have a grant of Quarter Sessions.

And be it further Enacted, That immediately from and after the *passing of this Act*, the Justices assigned or to be hereafter assigned to keep the Peace in and for the respective Counties in which the said 5 Towns and Ports and ancient Town respectively, and the four Boroughs of Deal, Faversham, Folkestone and Tenterden, being Corporate Members or Liberties of the said Towns and Ports and ancient Town respectively named in the Schedules (A.) and (B.) to the said Act annexed, are severally situate, or any *One* or more of such Justices, as 10 the case may be, and the Coroners and Clerks of the Peace of such Counties respectively, shall exercise the Jurisdiction of Justices of the Peace, Coroners and Clerks of the Peace respectively in, for and over, not only such of the said Towns and Ports and ancient Town respectively, and such of the said four Boroughs to which His Majesty shall 15 not grant a separate Court of Quarter Sessions of the Peace, but also in, for and over the ancient Members and Liberties not being corporate of the said Towns and Ports and ancient Town respectively, as fully as by law such Justices, or any *One* or more of them, as the case may be, and such Coroners and Clerks of the Peace respectively can or 20 ought to do in and for the said County, and shall continue to exercise such Jurisdiction unless and until His Majesty shall be pleased to grant such separate Court of Quarter Sessions of the Peace to any such Town and Port, or ancient Town or Borough, as the case may be.

3.

Jurors to be summoned from non-corporate Members of Cinque Ports.

And be it further Enacted, That a due proportion of Inhabitant 25 Householders to serve as Grand Jurors and Petty Jurors at the Courts of Quarter Sessions of the Peace of such of the said Towns and Ports of Hastings, Sandwich, Dover and Hythe, and ancient Town of Rye respectively, to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace, shall be summoned by the Clerks of the 30 Peace of the said Towns and Ports and ancient Town respectively from the non-corporate Members and Liberties thereof respectively; and the attendance of such Grand Jurors and Petty Jurors shall be enforced and their defaults punished in the manner by the said Act of the last Session directed with respect to Jurors in Boroughs. 35

4.

Clerk of the Peace to assess Expenses on non-corporate Members.

And be it further Enacted, That the Clerks of the Peace of such of the said Towns and Ports of Hastings, Sandwich, Dover and Hythe, and of the said ancient Town of Rye, to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace, shall from time to time apportion and charge the expenses and costs of the building and 40 repairing of the Gaol and House of Correction and Court-house of such Towns and Ports and ancient Town respectively, and of the conveyance of Offenders to such Gaol or House of Correction, and of their support and

and maintenance therein, and all expenses and costs attending and incident to the holding of the Quarter Sessions of the Peace for such respective Towns and Ports and ancient Town, and to the execution of the offices of Recorder, Clerk of the Peace and Coroner of the same, including Salaries and Fees and all expenses generally to the payment of which County Rate or Rates in the nature thereof are liable, including any legal debt upon such Rate, amongst and upon, as well such Towns and Ports and ancient Town respectively, as the Members, Liberties and Places which shall be within or subject to the jurisdiction of their respective Courts of Quarter Sessions, as nearly as may be in proportion to the amount of such expenses and costs which have been or shall be incurred on account of such Towns and Ports and ancient Town respectively, and the Members, Liberties and Places within or subject to the jurisdiction of their respective Courts of Quarter Sessions; and such Towns and Ports and ancient Town respectively, and such respective Members, Liberties and Places, shall bear and pay the proportion of such expenses and costs so apportioned and charged upon them; and the same shall be assessed and levied in all corporate Towns, Ports and Places in the manner directed by the said Act of the last Session of Parliament, and in places not being corporate, under the authority of the Court of Quarter Sessions, to the jurisdiction whereof such places are respectively subject, in the manner in which County Rates are in general assessed and levied; and in case the Council of any such Corporate Town, Port or Place, or the inhabitants, or any *Two* or more of them, of any such other place not being corporate, shall be dissatisfied with the proportion of such expenses and costs so apportioned and charged upon it, the Council of such Town, Port or Place being corporate, or the inhabitants or any *Two* or more of them, of such place not being corporate, so dissatisfied with such apportionment and charge, may appeal to the Recorder at the next Quarter Sessions; and the Recorder shall have power to hear and determine the appeal, and award relief in the premises as in the case of any Borough Rate, under the provisions contained in the said Act of the last Session of Parliament.

Subject to an appeal to the Quarter Sessions.

And be it further Enacted, That whenever it shall happen that at the time appointed for holding any Quarter Sessions of the Peace for any of the said Towns and Ports and ancient Town respectively, or for any of the said four Boroughs, there shall be no Prisoner in actual custody to take his trial at such Sessions, then and in such case it shall not be necessary that the Recorder should attend at such Court, but it shall be lawful for the Mayor of the Borough for which such Sessions shall be holden to adjourn the said Court to the next quarterly day for holding the said Sessions, and to respite all recognizances until such next day for holding a Court of Quarter Sessions, in the same way as by the said Act of the last Session of Parliament is provided with reference to adjournments thereby authorized; and all business which might have

5.
Mayor may adjourn Sessions to next quarterly day for holding the same, if there is no Prisoner for trial in actual custody.

been transacted at the said Sessions so adjourned shall and may be transacted at the next Sessions at which the Recorder shall attend.

6.
Commission
Justices
acting under
51 Geo. 3. c. 6.
may grant
licenses in
non-corporate
Members
of Cinque
Ports having
a grant of
Quarter
Sessions.

And be it further Enacted, That His Majesty's Justices of the Peace acting under the authority of any Commission or Commissions issued by virtue of the Act passed in the fifty-first year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act to facilitate the execution of Justice within the Cinque Ports," shall and may have and exercise all the jurisdiction, powers and authorities belonging to Justices of the Peace in Counties relating to the granting of Licenses, or authorities to persons to keep Inns, Alehouses or Victualling-houses, or to sell exciseable liquors within the Members and Liberties not being corporate of such of the said Towns and Ports of Hastings, Sandwich, Dover and Hythe and ancient Town of Rye respectively, to which His Majesty shall have granted a separate Court of Quarter Sessions of the Peace.

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7.
If this Majesty
should grant
a Charter of
Incorporation
to non-corporate
Members, then the
Jurisdiction
of the Cinque
Port Town
to which it
belongs shall
cease.

And be it further Enacted, That in case His Majesty shall at any time hereafter grant a Charter of Incorporation to any part of the non-corporate Members and Liberties of any of the said Towns and Ports of Hastings, Sandwich, Dover and Hythe, and of the said ancient Town of Rye, either alone or together with any other town or place, and in case His Majesty shall be pleased to grant a separate Court of Quarter Sessions of the Peace to such Town or Place so to be incorporated, then and from thenceforth the jurisdiction, powers and authorities, as well of the Court of Quarter Sessions of the Peace and of the Recorder, Clerk of the Peace and Coroner of the Town and Port or ancient Town of which such newly incorporated Town or Place or any part thereof was before its incorporation a Member or Liberty, and of His Majesty's Justices of the Peace of such Town and Port or ancient Town, as also in case a Commission of the Peace shall be granted to such newly incorporated Town or Place, the jurisdiction, powers and authorities of His Majesty's Justices acting under the authority of any Commission or Commissions issued by virtue of the said Act passed in the fifty-first year of the reign of his said late Majesty King GEORGE the Third, within such Borough, shall cease and determine: Provided always, That such newly incorporated Town or Place, or so much thereof as previously to its incorporation formed part of the non-corporate Members or Liberties of any of the said Towns and Ports or ancient Town respectively, shall continue liable to pay its due proportion of any debts of the Town and Port or ancient Town of which it was previously to its incorporation a Member or Liberty, with which it was chargeable and charged at the time of its incorporation, by virtue of the provisions hereinbefore contained; and the rates for the payment thereof shall continue to be assessed and levied in the same manner as if such incorporation had not taken place until the same shall be fully discharged.

20

25

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35

40

And

And be it further Enacted, That the said Towns and Ports of Hastings, Sandwich, Dover and Hythe, and the said ancient Town of Rye, and the ancient Members and Liberties thereof, as well corporate as non-corporate, including the said four Boroughs, shall continue and be within and part of the general Liberties of the Cinque Ports, for all purposes of civil jurisdiction and other purposes to which the provisions of the said Act of the last Session of Parliament and of this Act do not expressly apply: Provided always, That nothing in this Act contained shall be deemed or taken to affect the Parish of Brightlingsea, in the County of Essex, or the Parish of Beakesbourne, or the Hamlet of Grange, otherwise Grench, in the County of Kent.

And be it further Enacted, That this Act may be altered by any other Act to be passed during the present Session of Parliament.

Cinque Ports.

A

B I L L

For the better Administration of Justice in the
Cinque Ports.

(Prepared and brought in by
Mr. Solicitor General and Sir Thomas Troubridge.)

Ordered, by The House of Commons, to be Printed,
20 May 1836.



(Ireland.)

A

B I L L

To extend the Jurisdiction and regulate the
Proceedings of the Civil Bill Courts in Ireland.

[Note.—The Words and Figures printed in *Italics* are proposed to be
inserted in the Committee.]

WH **E**R **E**A **S** proceedings by Civil Bill, under and by virtue Preamble.

of an Act passed in the Parliament of Ireland, in the Thirty-sixth Year of the reign of His Majesty King GEORGE the Third, for the better and more convenient Administration of Justice, and for the
5 Recovery of Small Debts in a Summary Way at the Sessions of the Peace of the several Counties at large within Ireland (except the county of Dublin), and the several Acts in force in Ireland, amending and extending the provisions of the said Act, have been found very beneficial; and it is expedient to enlarge the present Jurisdiction of the
10 Civil Bill Courts in Ireland; **B**E **i**t **t**herefore **E**nacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *commencement of this Act*, the respective
15 Assistant Barristers in Ireland shall and they are hereby authorized and empowered to hear and determine, within their respective jurisdictions, all disputes and differences between Party and Party for any sum or damages not exceeding *Twenty Pounds sterling*, in all cases of debt, covenant, assumpsit, actions on the case upon assumpsit or promises, trover, conversion, trespass, and in all other cases whatsoever (breach

1.
Assistant
Barristers to
hear and de-
termine cases
for sums not
exceeding 20*l*.

of promise of marriage, slander, libel, deceit and criminal conversation with a man's wife only excepted); and also all cases for the recovery of any penalty not exceeding *Twenty Pounds* imposed or to be imposed by any Act of Parliament.

2.
Jurisdiction as
to Lands.

And be it further Enacted, That the respective Assistant Barristers in 5
Ireland shall and they are hereby authorized and empowered to hear and
determine, within their respective jurisdictions, all disputes and dif-
ferences respecting the possession of any lands, tenements or heredi-
taments held under any grant, lease or other instrument for any term or 10
interest, the duration or extent whereof, when originally granted or
created, did not exceed *Three Lives*, without any provision for the renewal
thereof, or a term of *Sixty-one Years* determinable on *Three Lives*, or
a term of *Sixty-one Years* absolute, and the yearly rent reserved or
payable in respect whereof, under such grant, lease or other instrument, 15
shall not exceed *Ten Pounds*, and in respect of which no fine ex-
ceeding *Fifty Pounds* was paid on the granting or execution of such
grant, lease or other instrument; and every Person claiming such
possession, may proceed by Civil Bill in the Court for the County,
Division or District wherein such lands, tenements or hereditaments, 20
or any part thereof, shall be situate, for recovery of such possession;
and every such Civil Bill shall specify the name and residence of the
claimant, and the description of the property sought to be recovered,
and the Barony or Parish in which the same is situate, and shall require
the Persons in possession of, or claiming any interest in, such lands, tene- 25
ments or hereditaments to appear before the Assistant Barrister, on a
day and at a place to be therein mentioned, to answer the said Civil
Bill.

3.
Service of
Civil Bill in
such cases.

And be it Enacted, That every such Claimant as aforesaid shall and
he is hereby required to serve the Persons who shall be in the actual
possession of the lands, tenements or other hereditaments specified in 30
and claimed by any such Civil Bill, and also such other Person or
Persons (if any) as shall be interested in the same or in any part thereof,
with such Civil Bill, *Seven Days* at least before the commencement of
the Sessions in which such Civil Bill is to be heard or determined;
and if there be not any Person in the actual possession of such lands, 35
tenements or hereditaments, then the affixing of such Civil Bill to or
upon some conspicuous part of the premises so claimed, and upon the
door of the Protestant Church or Chapel (if any), and also upon the
door of the Roman Catholic Chapel (if any), in the parish, place or
district wherein the said premises shall be situated, shall be and be 40
deemed to be good and sufficient service of such Civil Bill.

And

And be it Enacted, That in all actions and proceedings brought for the recovery of the possession of any lands, tenements or hereditaments under or by virtue of this Act, it shall be lawful for the Assistant Barrister to make an Order or Decree for the delivering up possession of such lands, tenements or hereditaments to the party entitled thereto.

4.
As to recovery of Lands.

And be it further Enacted, That the respective Assistant Barristers in Ireland shall and they are hereby authorized and empowered to hear and determine, within their respective jurisdictions, all actions of replevin relating to distresses for rent between landlord and tenant, where the rent for or in respect of which any distress shall be or ought to have been made shall not exceed *Fifty* Pounds in amount or value.

5.
Jurisdiction in Replevin cases.

And be it Enacted, That the Sheriff for the time being for every county in Ireland shall depute a sufficient number of persons in each county to act as Replevengers in case of distresses for rent, so as that there shall be one such Replevenger in every town wherein General or Quarter Sessions of the Peace are held; and for every refusal or neglect to appoint, within *Ten* Days, a sufficient number of persons to act as Replevengers as aforesaid, and also for every *Month* during which there shall not be one such Replevenger in each such Sessions town, every such Sheriff shall forfeit and pay the sum of *Twenty* Pounds, to be recoverable by Civil Bill, by any person who will sue for the same; and such Replevengers so to be appointed as aforesaid shall have authority, in the Sheriff's name, to grant replevins and make deliverance of all distresses, in such manner or form as the Sheriff may and ought to do, and shall be entitled to receive the fees mentioned in the Second Schedule herunto annexed, and no more.

6.
Appointment of Replevengers.

And be it Enacted, That where any party whose goods or chattels shall have been distrained for rent, shall dispute the validity of the distress, and the amount of the rent distrained for shall not exceed *Fifty* Pounds, it shall be lawful for such party to lodge with the Clerk of the Peace for the county wherein such distress shall have been made, a Civil Bill, stating the particulars of the property distrained, and the person and persons by whom or on whose behalf such distress was made; and requiring such person or persons to appear and answer such Bill at the next General or Quarter Sessions of the Peace for the district, division or riding in which such distress was made, in case there shall be *Ten* clear Days between the day of lodging such Civil Bill and the first day of holding such Sessions, and if not, then at the Sessions for such division, district or riding next after the expiration of *Ten* Days from the day of lodging such Civil

7.
Mode of proceeding in Replevin cases.

Bill; and thereupon the said Clerk of the Peace shall issue an Order requiring the Sheriff of the county to replevy the goods and chattels so distrained; and the Sheriff to whom any such order shall be directed, or his Replevenger, shall and he is hereby required, upon good security (by the bond of the person obtaining such order and *Two* responsible persons as Sureties) being given to him in *double* the amount of the sum or sums distrained for, to execute such order, and make a correct and proper return of the manner in which the same shall have been executed, or to signify the cause why the same has not been executed to the Court of the Assistant Barrister for the county, within *Seven* Days next after such order shall have been delivered to him. 5 10

8. Form of Bond. And be it Enacted, That the Bond so to be given to the said Sheriff shall be in the form or to the effect set forth in the First Schedule hereunto annexed, or as near thereto as the circumstances of the case will admit. 15

9. If proposed Sureties be objected to, the reason of refusal to be stated in writing. And be it Enacted, That in every case where the persons who shall be proposed as Sureties on behalf of any party whose goods or chattels shall have been distrained, shall be objected to, the reason or ground of such objection shall be stated in writing by the Sheriff or Replevenger so objecting. 20

10. Copy of Civil Bill to be served on Defendant. And be it Enacted, That in every case where any goods distrained shall be replevied as aforesaid, a copy of the Civil Bill, which shall have been lodged with the Clerk of the Peace as aforesaid, shall be served by or on the part of the Plaintiff in such Civil Bill, upon every person named as Defendant therein, in the same manner as Civil Bills for recovery of debts, are now required to be served *Six* Days at least before the first day of holding the Sessions to which it is returnable: Provided always, That in case the party on whose behalf such distress was made shall not reside within the jurisdiction of such Assistant Barrister, service of such Bill on the person who made the distress for him shall be deemed good service on such party; and such party, although not residing within the county, shall for the purposes of this Act be deemed and taken to be within the jurisdiction of the Assistant Barrister of the county in which the distress was made. 25 30 35

11. Assistant Barrister to hear and determine such Civil Bill. And be it Enacted, That the Assistant Barrister shall in every such case of distress and replevin hear and determine the Civil Bill, and ascertain whether any and what rent was due to the defendant at the time of making such distress; and if it shall appear that any sum was due 35 due

due for rent, and that no tender of the sum so due, was made before the distress in question was made, it shall be lawful for such Assistant Barrister, and he is hereby required to make a decree for payment of the sum ascertained to be due for rent, and the Costs of defending
 5 such Civil Bill and making such distress; and such sum and costs shall and may be levied by virtue of such decree; and in case it shall appear that no rent was due at the time of such distress, it shall be lawful for the Assistant Barrister to direct the Bond which shall have been so given as aforesaid, to be delivered up to the party complain-
 10 ing of the distress, and also to make a decree for payment by the defendant to such party of such damages as the Court may think fit, and, if necessary, to direct that such damages and costs shall be set off against or deducted from any rent then due or thereafter to accrue due by the party complaining, and to make a decree ac-
 15 cordingly.

And be it Enacted, That the Bond so directed to be given as aforesaid, shall be assigned by the Sheriff or his representative to such person or persons as the Assistant Barrister shall direct; and such assignment shall be by an indorsement on the Bond, which shall not
 20 require any stamp; and the assignee of such Bond shall be at liberty to sue in his own name, upon or by virtue of such Bond, in the Court of the Assistant Barrister within whose jurisdiction any one of the obligors of such Bond shall reside, without regard to the amount of the penalty of such Bond; and such proceedings may be taken against
 25 all the obligors of such Bond, or against any one or more of them.

12.
Mode of
Assignment
of Bond.

And be it Enacted, That in case the person or persons complaining of any such distress shall not duly appear at the Sessions, and there prosecute such Civil Bill, and obtain a decree therein, the Assistant Barrister shall and may, at the request of any party named as a
 30 defendant in such Civil Bill, make an order or decree, that the Bond so directed to be given to the Sheriff as aforesaid, shall be assigned to the defendant so applying; and such Bond shall be assigned as hereinbefore directed, to the party so applying; and such Bond shall be
 and stand as a security for the full amount of the sum or sums
 35 distrained for and interest thereon, and the costs of the proceedings in relation to the distress, and of the proceedings on such Civil Bill and such Bond.

13.
Bond to be
assigned if
Plaintiff do not
prosecute suit.

And be it Enacted, That in every case where the goods distrained shall be returned to the party who shall have distrained the same, and
 40 the costs of the proceedings paid, no further proceedings shall be had on the Bond which shall have been given as aforesaid; and all such goods, if returned or recovered under any such decree as aforesaid, may be

14.
If goods re-
turned, no
proceedings to
be had on
Bond, and
goods may be
sold.

sold for the recovery of the rent due and expenses, at the expiration of *Four Days* after the return thereof.

15.
7 & 8 Geo. 4.
repealed.

AND whereas an Act of Parliament was passed in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for the Relief of Persons aggrieved by unlawful or excessive Distresses in Ireland;" but the provisions of the said Act have been found to be wholly ineffectual, and it is desirable that the said Act should be repealed; BE it therefore Enacted, That from and after the *commencement of this Act*, the said recited Act of the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth shall be and the same is hereby Repealed.

16.
Legacies and
distributive
shares pay-
able out of
assets of any
deceased
person (when
such assets
shall not ex-
ceed 200 *l.*)
recoverable
by Civil Bill.

And be it Enacted, That where the amount of the assets of any deceased person shall not exceed in value the sum of *Two hundred Pounds*, it shall and may be lawful for any legatee of any specific chattel or for any legatee of any pecuniary legacy, payable out of the assets of any such deceased person, or any residuary legatee, or for any person or persons entitled as next of kin of any such deceased person, or the executors, administrators or assigns of such legatee or next of kin, and they are hereby authorized and empowered to proceed by Civil Bill against the executor or administrator of such deceased person in the county or district in which such executor or administrator shall be resident, for the recovery of such legacies or distributive shares at any time after the expiration of *One Year* from the decease of the testator or intestate, but not sooner; and it shall and may be lawful for such Assistant Barrister as aforesaid, upon due proof that the defendant had received, or without wilful default might have received, assets of the testator or intestate, sufficient and liable, after payment of all just debts, for the satisfaction in a due course of administration either in the whole or in part of the plaintiff's demand to make a decree for payment of such legacy or distributive portion rateably and proportionably with other legatees standing in the same situation, or other next of kin respectively as the case may be; and in case the plaintiff shall establish his right to any specific chattel, it shall and may be lawful for such Assistant Barrister as aforesaid to make an order for delivery of the same to the party entitled thereto, or to make a decree for payment of the value thereof and costs of suit; and in case the plaintiff shall establish his right as residuary legatee, it shall and may be lawful for such Assistant Barrister as aforesaid to make an order for the delivery, transfer or payment of such residuary estate and effects to the party decreed entitled thereto.

17.
Civil Bill in
such cases to
be served 12
days before
Sessions.

Provided always, and be it Enacted, That every Civil Bill to be brought for the recovery of a legacy or distributive share, under or by virtue of this Act, shall, *Twelve Days* at least before the Sessions, be duly served upon the party against whom the same is brought, or left at his usual or last known place of abode.

And

13
Executors and Administrators to lodge accounts, if required.

And be it Enacted, That where the property or assets of any deceased person shall not exceed in value the sum of *Two hundred Pounds*, every Executor or Administrator shall, if thereunto required by notice in writing by any legatee, next of kin, creditor or other person interested therein, within *Twelve Months* after the decease of the testator or intestate, lodge with the Clerk of the Peace of the county wherein such testator or intestate resided at the time of his death, a Schedule or Account, setting forth the particulars of the property or assets of or to which the testator or intestate died possessed or entitled, and the amount, produce and value of the same respectively, and the amounts and particulars of the debts due by the said testator or intestate, and the amounts and particulars of the debts, legacies and funeral and testamentary expenses of the testator or intestate paid by or on account of any such executor or administrator, and showing the balance applicable to the purposes of the Will of the said testator, or distributable amongst the next of kin of the said intestate, or the property or chattels then undisposed of; and every such Schedule or Account shall be verified by the oath or affirmation (as the case may be) of the executor or administrator to be sworn before the said Clerk of the Peace, and which oath or affirmation the said Clerk of the Peace is hereby authorized and directed to administer; and such Schedules or Accounts shall be preserved and kept by the Clerks of the Peace among the records of their respective counties, and shall be deemed and taken as evidence against the said executor or administrator of the several matters therein contained.

Penalty on Executors or Administrators neglecting to lodge such account.

And be it further Enacted, That in case any such Executor or Administrator shall neglect to lodge such Schedule as aforesaid within the time hereinbefore specified, he shall forfeit any sum not exceeding *Twenty Pounds*, to be recoverable by Civil Bill before the Assistant Barrister of the county wherein such executor shall reside, by any person suing for same.

Examination of Executor or Administrator.

And be it Enacted, That in all proceedings by Civil Bill by any legatee or next of kin for recovery of any legacy or distributive share as aforesaid, it shall and may be lawful for the plaintiff, as such legatee or next of kin in such Civil Bill as aforesaid, to examine on oath in open Court such executor or administrator, in order to obtain a discovery of the estate and effects of the testator or intestate at the time of his or her decease, and the value thereof, and of his or her debts, funeral and testamentary expenses, and to obtain an admission that the defendant is the executor or administrator (as the case may be), and to ascertain all such facts as a party suing as legatee or as next of kin in a Court of Equity is entitled to discovery of.

21.

Executors or Administrators to produce copy of Will and Letters of Administration, and to submit to be examined on oath on trial of Civil Bill.

And be it Enacted, That every Executor or Administrator may be compelled by summons, to be signed by the Clerk of the Peace, in like manner as witnesses are compelled to attend and give evidence in the Civil Bill Courts, to attend and produce the Probate (if any) of the Will of the testator, or the Letters of Administration of the testator or intestate (as the case may be), and submit to be examined on oath in open Court touching the matters aforesaid on the trial of any such Civil Bill in any division or district of the county where such cause shall be heard; and every executor or administrator who shall disobey any such summons shall forfeit and pay the sum of *Ten Pounds* as a penalty; but such fine or penalty may be mitigated or wholly given up, if the Assistant Barrister before whom he shall have been required to attend, shall, upon good and sufficient cause being shown, think fit to mitigate or give up the same.

22.

Assistant Barrister may advertize for claims or assets.

And be it further Enacted, That it shall be lawful for any Assistant Barrister, in any action or proceeding for a legacy, or a distributive share of the property or assets of a testator or an intestate, to require the party suing to give notice, either by advertizement or otherwise, requiring persons having claims on the property or assets of the deceased, to produce and verify such claims; and no such advertizement shall be charged with or liable to any duty; and all costs relating to such notice shall be borne and paid in such manner and by such parties as such Assistant Barrister shall order or direct; and the Assistant Barrister may, if he shall think fit to direct such notice to be given, adjourn the Civil Bill to some future Sessions, so as to allow sufficient time for publishing or giving such notice.

23.

Executors de son tort to be liable.

And be it Enacted, That any person rendering himself an Executor de son tort, shall be liable to be sued by Civil Bill in the manner herein-before mentioned, as if such person had obtained probate.

24.

Money may be required by Assistant Barrister to be paid into the Bank.

And be it Enacted, That in any such action or proceeding the Assistant Barrister may, if he thinks fit, direct money to be paid into the Bank of Ireland, or such Branch Bank of the Bank of Ireland as he shall direct, in the name of such Assistant Barrister, to the credit of the cause in question; and such money shall be applied and disposed of according to the order and directions of such Assistant Barrister; and all payments of such monies shall be made upon an order in writing, under the hand of the Clerk of the Peace for the time being, countersigned by the Assistant Barrister; which order shall be a good and sufficient warrant to all intents and purposes.

25.

Legacies not exceeding 20 *l.* charged on real estate to be recoverable.

And be it Enacted, That it shall and may be lawful for any legatee of any pecuniary legacy not exceeding *Twenty Pounds*, charged upon or payable out of any real estate, or any person to whom arrears, not exceeding

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exceeding *Twenty* Pounds, are due in respect of any rent-charge or annuity charged upon or payable out of any real estate, to proceed by Civil Bill against the person who shall be entitled to the real estate charged with such legacy or arrears; and it shall and may be lawful for the Assistant Barrister, upon due proof by the Plaintiff that such real estate is liable to such legacy or arrears, and that the owner thereof has received therefrom, for his own use and benefit, more than the amount of the legacy or sum sought to be recovered, to order or decree the payment of such legacy or arrears by the owner of such real estate.

- 10 And be it Enacted, That in all proceedings under this Act to recover any legacy or real estate, an examined or attested copy of the Will bequeathing it, or of any Will giving title to it, shall be received as evidence, as if the original Will or probate thereof was produced.

26.

Attested copy
of Will good
evidence.

- 15 And be it Enacted, That the several Civil Bills, orders, proceedings, decrees and dismisses which shall be brought, prosecuted and pronounced in pursuance of this Act, shall be in the form or to the effect prescribed by the First Schedule to this Act annexed, or as near thereto as circumstances will admit.

27.

Civil Bills, &c.
to be in form
prescribed in
Schedule.

- 20 And be it Enacted, That all and every the provisions of the several Acts now in force relating to Civil Bill Courts, in respect of the employment of Counsel and the duties of Sheriffs and of Clerks of the Peace in relation to any proceedings by Civil Bill, and all other regulations and provisions of the said Acts in relation to proceedings by Civil Bills, shall apply and extend to the proceedings under this Act, so far as the same are applicable thereto, or not repugnant to or inconsistent with the provisions of this Act.

28.

Provisions of
Civil Bill Acts
relating to em-
ployment of
Counsel, &c.
shall extend to
proceedings
under this
Act.

- 30 And be it Enacted, That in any case where any party shall be dissatisfied with the judgment or decree or dismiss of the Assistant Barrister, touching or concerning any proceedings which may be instituted or prosecuted under or by virtue of the provisions of this Act, it shall be lawful for such party to appeal against such decision or decree, in like manner and upon the like terms and stipulations as appeals in other cases are allowed to be brought under or by virtue of the Acts now in force relating to proceedings by Civil Bill.

29.

Appeal.

- 35 And be it further Enacted, That all Contracts in writing relating to property not exceeding *Twenty* Pounds in value, save and except leases and contracts for leases exceeding *Three* Years, and promissory notes or bills of exchange, shall and may hereafter be received in

30.

Contracts re-
specting pro-
perty not
exceeding 20*l*.
in value to be
received in
evidence with-
out stamp.

evidence in any Civil Bill Court in Ireland, notwithstanding that the same may not have any stamp affixed thereto.

31.
Assistant
Barrister may
dismiss Civil
Bill.

And be it Enacted, That in case the Plaintiff in any Civil Bill brought under or by virtue of this Act, shall not proceed in the same, or shall fail to establish his case to the satisfaction of the Assistant Barrister, such Assistant Barrister shall and he is hereby authorized and empowered to dismiss such Civil Bill with costs, and either without prejudice to the Plaintiff's proceeding by a new Civil Bill, or on the merits, as he shall think fit. 5

32.
Decrees and
Dismisses
may be re-
newed.

And be it Enacted, That it shall be lawful for any Plaintiff or Defendant, or the Executor or Administrator of any Plaintiff or Defendant, or Assignee of any Plaintiff or Defendant who shall have become Bankrupt or Insolvent, or the Husband of any Plaintiff or Defendant by whom any decree or dismiss was obtained, to renew any decree or dismiss, or any affirmance or reversal of any decree or dismiss of the Assistant Barrister, affirmed or reversed on appeal : Provided, That all such renewals shall be subject to the same and the like conditions and regulations as are now required by law in case of any renewal which may now be made ; and provided also, That it shall not be lawful for any Assistant Barrister to grant a renewal of any Civil Bill decree or dismiss, affirmance or reversal, when *Two Years* shall have elapsed after such decree or dismiss, affirmance or reversal shall have been pronounced, nor at any time to grant such renewal to or against any person not being an original party to such Civil Bill, unless upon proof made in open Court that the party seeking such renewal caused notice in writing to be served upon the person against whom it is sought to renew such decree or dismiss, affirmance or reversal, setting forth the particulars of such decree, and the amount for which the application to renew such decree is proposed to be made ; such notice to be served in like manner as civil processes are required by law to be served, *Six Days* previous to the first day of holding the Civil Bill Court to which such application is intended to be made, and to be entered with the Clerk of the Peace, and heard and determined in like manner as an original Civil Bill. 10 15 20 25 30

33.
Court may
award allow-
ance for loss
of time to
witnesses.

And be it Enacted, That in all cases of Civil Bill decrees or dismisses, it shall be competent for the Court at its discretion to award and include in the costs a reasonable sum for the expenses of any witness or witnesses. 35

34.
Decrees to be
signed by suc-
cessor of
Assistant
Barrister.

And be it Enacted, That in case of the death, removal or incapacity of the Assistant Barrister of any county or riding, it shall and may be lawful

lawful for his successor or the Barrister for the time being acting for him to sign any order or decree pronounced by the Barrister so dying, or removed, or becoming incapable as aforesaid; and the order and decree so signed shall be as valid and effectual as if the same had been
5 signed by the Assistant Barrister who pronounced the same.

And be it Enacted, That no action or proceeding under or by virtue of this or any other Act relating to Civil Bill Courts shall be treated or considered as invalid on account of any verbal or technical error in the same; and it shall be lawful for every Assistant Barrister to decide and
10 determine what is a verbal or technical error or mistake in any action or proceeding, but all errors or mistakes which have not a tendency to mislead the opposite party shall in all cases be deemed merely verbal or technical.

And be it Enacted, That both parties shall be mutually at liberty to appeal each to the oath of the other on the subject of the alleged cause of action, provided that a notice in writing be served on the party so intended to be examined at least *Two* Days previous to the commencement of the Sessions.
15

And be it Enacted, That the Court of Quarter Sessions shall, after the first day of every Session, commence its sittings in the months of *December* and *January* not later than *Ten* of the clock in the forenoon, and in other months not later than *Nine* of the clock in the forenoon, save when prevented by the illness or unavoidable absence of the Assistant Barrister or other fatality, and shall at once proceed with the criminal
25 or civil business; and that no trial or case, criminal or civil, or other business shall be entered upon after the hour of *Six* of the clock in the afternoon of any day, nor shall any Civil Bill be called on after that hour, except at the request of both parties.

And be it Enacted, That in case of the death or disability of any Clerk of the Peace during Sessions, and of no immediate appointment of a successor or sufficient deputy being made, the Assistant Barrister shall appoint a fit and proper person to act as Clerk of the Peace in the mean time, and to allocate a due proportion of the fees or salary in
30 remuneration of the person so acting.

And be it Enacted, That all disputes and differences shall be heard and determined at every Sessions in alphabetical order according to the surnames of the Plaintiffs, and be entered accordingly in the book of the Clerk of the Peace.

35.

Verbal or technical errors not material.

36.

Parties may appeal to the oath of each other.

37.

Regulating hours of sitting of Court of Quarter Sessions.

38.

In case of death of Clerk of the Peace during Sessions, Assistant Barrister to have power to appoint another pro tempore.

39.

Order in which actions are to be heard.

40.
Bailiffs to be
appointed to
execute
decrees of
Civil Bill
Court.

And be it Enacted, That the Lord Lieutenant or other Chief Governor of Ireland for the time being, shall appoint a sufficient number of proper and responsible persons in every county, to act as Bailiffs for the execution of the decrees or orders of the Civil Bill Court for the county, and no person shall be authorized or empowered to execute any decree or order of any Civil Bill Court (save only decrees for possession), unless he shall have been so appointed Bailiff as aforesaid; and all persons to be appointed Bailiffs as aforesaid, shall and may have and exercise all the powers and authorities which Sheriffs of counties in Ireland are enabled or empowered by law to have or exercise in the execution of the decrees or orders of the Civil Bill Courts; and such Bailiffs are hereby empowered and required to execute all decrees and dismisses, and all orders and decrees which shall be made by any Assistant Barrister, save only decrees for possession of lands, which shall be executed by the Sheriff.

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41.
Fees payable
to Bailiffs.

And be it Enacted, That the Bailiffs so to be appointed as aforesaid, shall be entitled to receive, on the execution of decrees and orders, the fee and poundage set forth in the Second Schedule hereunto annexed, and no other fees or payments shall be recoverable or receivable by them.

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42.
Bailiffs to give
security.

And be it Enacted, That every person appointed to act as Bailiff as aforesaid, shall, before he acts in his said office, together with *Two* responsible and sufficient Sureties, give and execute to the Clerk of the Peace for the county in which such Bailiff shall be appointed to act, a Bond in the penalty of *Fifty* Pounds, conditioned for the proper performance of the duties of his office, and such Bond shall vest in the Clerk of the Peace of the county for the time being, and may from time to time be sued on in his name, or in the name or names of any person or persons to whom it may be assigned under any order of the Assistant Barrister; which assignment shall be made by an unstamped Indorsement by the acting Clerk of the Peace for the time being, and it shall be the duty of the Clerk of the Peace for the time being to inquire and ascertain from time to time whether any of the Sureties have become insolvent, or have died, and to require the Bailiff to give further or other security; and such Clerk of the Peace shall certify to the Assistant Barrister at each Session, that such Sureties are alive and solvent; and any person who shall sustain any damage by the neglect or misconduct of any such Bailiff may proceed before the Assistant Barrister by Civil Bill, to recover from him and his Sureties the amount of such damages not exceeding *Fifty* Pounds; and the Bond so given shall stand and be an additional security for such damages, and shall, if necessary, be put in suit to recover the sum and costs from the parties thereto, or any of them.

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And

And be it Enacted, That the sum or fee of One Shilling now payable to the Sheriffs in Ireland for every Special Warrant granted at the peril of the party requiring the same, shall be no longer payable, and that the said Act of the Thrity-sixth of King GEORGE the Third, so far as
 5 respects the payment to the Sheriffs of the said sum or fee of One Shilling, be Repealed; and that every Sheriff shall be entitled to and be paid a sum of *Five* Shillings, and no more, for every decree for delivering possession made by an Assistant Barrister or Judge on appeal; all which decrees the said Sheriffs are hereby required to execute.

43.
 Act of 36 G. 3.
 repealed so
 far as respects
 the payment
 of 1 s. to the
 Sheriff.

10 And be it Enacted, That in case of the illness or unavoidable absence of any Process Server, the entries made in his book verified by his affidavit, or in case of his death, verified as to his handwriting by some credible person, shall be received as evidence of the service of the several processes stated in such book to have been served, and that
 15 the fee of *Sixpence* allowed to such Process Server on each Civil Bill be in future taxed and allowed against the defendant, in like manner as other costs taxable against the party.

44.
 Books of Pro-
 cess Servers to
 be evidence in
 certain cases.

And be it Enacted, That the Bailiffs so to be appointed as aforesaid, shall have full power and authority to sell goods taken in execution by
 20 them by public auction, without the assistance of a licensed auctioneer.

45.
 Bailiffs may
 sell goods
 taken in exe-
 cution.

And be it Enacted, That in all actions and proceedings by Civil Bill, the fees specified in the Second Schedule to this Act annexed, shall be established, and be deemed and taken as the lawful fees and emolu-
 25 ments for the discharge of the several duties therein specified; and no other fees or payments shall be recoverable for the discharge of such duties.

46.
 Fees specified
 in Second
 Schedule to be
 deemed law-
 ful fees.

And be it Enacted, That every Clerk of the Peace, Attorney, Sheriff or his deputy, Bailiff or Process Server who shall receive any greater fee, gratuity or emolument, or other consideration for any of the services
 30 specified in the said Schedule, shall forfeit and pay the sum of *Twenty* Pounds sterling for every such offence, to be recovered by Civil Bill or otherwise, by any person who may sue for the same.

47.
 Penalties.

And be it Enacted, That every Clerk of the Peace shall cause to be constantly exposed, as well in his office as also in some conspicuous
 35 place accessible to the Public, in every Court of General or Quarter Sessions within his county, a fair and legible Table, painted or printed in letters and figures not less than *One-half* Inch in length, of the fees payable upon all proceedings upon all Civil Bills, and likewise the penalty to which any person may become liable for receiving any
 40 greater fee than is set forth in the said Second Schedule to this Act annexed for any of the services therein specified; and that on proof

48.
 Table of Fees
 to be exposed
 in some con-
 spicuous parts
 of office of the
 Clerk of the
 Peace and
 Court of
 Quarter
 Sessions.

made on summary application to the Court of any neglect or omission of such exposure, the Clerk of the Peace so neglecting shall forfeit any sum not exceeding *Five Pounds*, to be paid to the Treasurer of the county within which such penalty shall be incurred, and accounted for and applied by such Treasurer to the aid of the expenditure of such county; and it shall be lawful for the Grand Jury of every county, at any Assizes to be held in and for such county to present the reasonable and actual expenses of preparing and exposing such tables to be raised by presentment upon such county, and to be paid to such Clerk of the Peace.

49.
So much of
Civil Bill Acts
as require
Oaths to be
taken every
Sessions re-
pealed, and a
Declaration
substituted.

And be it Enacted, That so much of the said Acts relating to Civil Bills as requires Oaths to be taken by the Attornies practising in Civil Bill Courts at the commencement of every Session be repealed, and that in future such Attornies, on their commencement of practice in each county, shall make and sign a Declaration in writing, to be attested by the Assistant Barrister, and to be deposited in the office of the Clerk of the Peace amongst the records of the Court, in the Form following; (that is to say)

“ YOU shall do no falsehood or deceit, or consent to any to be done within this Court of Quarter Sessions; and if you shall know of any to be done, you shall give notice thereof to the Assistant Barrister for the time being, that it may be reformed: You shall delay no man for lucre or malice: You shall increase no fees, but you shall be content and accept of the legal and ascertained fees, and none other: You shall not wittingly or willingly sue or procure to be sued any false suits, nor give aid or consent to the same upon pain of being expelled: And further, you shall use and demean yourself in the office of an Attorney within the Court according to your learning and discretion.”

50.
Appeal given
to the Landlord
under 56 G. 3.

AND whereas it is considered that under the provisions of an Act passed in the fifty-sixth year of the reign of his Majesty GEORGE the Third, intituled, “ An Act to amend the Law of Ireland, respecting the recovery of Tenements from absconding, overholding and defaulting Tenants, and for the protection of the Tenant from undue Distress,” which Act is explained, amended and extended by two other Acts respectively passed in the fifty-eighth year of the reign of his Majesty King GEORGE the Third, and in the first year of the reign of his late Majesty King GEORGE the Fourth, the Tenant or Defendant only is entitled to the right of appeal in proceedings instituted under the provisions of the said Acts; BE it therefore Enacted, That the Landlord or Plaintiff shall in all proceedings under the said recited Acts have and be entitled to all and every the same rights of appeal, under the same restrictions, conditions and limitations as in other

other cases of decrees on Civil Bills, as by the Acts in force relating to Civil Bill Courts are provided for or given to defendants.

5 AND whereas doubts are entertained respecting the jurisdiction of the Assistant Barrister in cases where one or more of the defendants in an
 10 action resides or reside out of the county wherein such action is brought ; BE it therefore Enacted, That if one or more defendant or defendants resides or reside in the county in which a Civil Bill shall be brought, the Assistant Barrister may make a decree against him or them, though another or other defendant or defendants may reside out of the
 15 jurisdiction of such Barrister.

51.
 Civil Bill Court to have Jurisdiction if one Defendant reside in the County.

AND whereas by an Act passed in the fourth year of the reign of his late Majesty King GEORGE the Fourth, intituled, " An Act to regulate the amount of Presentments by Grand Juries for payment of the Public Officers of the several Counties in Ireland," a salary of Thirty
 15 Pounds of the late currency of Ireland is provided for the Crier at Sessions in and for the county of Cork, which said county has been since divided into two Ridings for the purpose of having separate and distinct Sessions in each of the said ridings, but no provision was then made respecting the said salary of Thirty Pounds ; BE it therefore
 20 Enacted, That it shall and may be lawful for the Grand Jury of the county of Cork, and such Grand Jury are hereby required to present to be raised off the respective portions of the said county constituting the said East Riding and West Riding, in lieu of the said annual sum of Thirty Pounds, the two several sums of *Fifteen* Pounds yearly as
 25 and for the salary of each of the Criers at Sessions in the said two Ridings, and that all enactments in the said last-mentioned Act relative to the salaries of Criers at Sessions, shall extend to the said two salaries of *Fifteen* Pounds each, in like manner as if the same had been embodied in this present Act.

52.
 Grand Jury of county of Cork to provide for salaries of Criers at Sessions in each Riding, 4 Geo. 4. c. 43.

30 And be it Enacted, That it shall and may be lawful for the Assistant Barristers in Ireland for the time being, by and with the advice and consent of the Attorney General and Solicitor General of Ireland for the time being, and they are hereby required to make and issue such General Orders as they shall think fit for regulating the forms and manner
 35 of proceeding in the Civil Bill Courts in Ireland, and for the settling and ascertaining the fees to be allowed to Attornies on proceedings by Civil Bill in cases where such fees are not specified or regulated by this Act or any Act heretofore made and provided, and for carrying the provisions of this Act into execution, and for simplifying, establishing and
 40 settling the course of practice in the said Courts, or any of them, and from time to time to annul, alter or vary any order or orders so as aforesaid made, and to make any new general order or orders for the

53.
 General Orders to be made.

like purpose; and copies of all such orders shall be transmitted to the Clerks of the Peace of the respective counties in Ireland, to be by them kept and preserved in their offices, and there to remain open at all times to public inspection; and such orders shall have the same effect and be as binding as if they were contained in this Act.

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54.
Power to ap-
point ad-
ditional places
for holding
Sessions.

AND whereas it would facilitate the administration of justice, if a sufficient number of places were appointed for hearing and determining causes by Civil Bill, and transacting criminal and other business at a General or Quarter Session of the Peace; BE it therefore further Enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor of Ireland for the time being, from time to time, by and with the consent and advice of the Privy Council, to divide the several counties in Ireland, or any of them, or any riding or division of a county, into as many districts as shall be thought proper or expedient for the purpose of more conveniently hearing and determining causes by Civil Bill, and of transacting all such criminal and other business as may be cognizable or determinable at any General or Quarter Sessions of the Peace, and to appoint one or more convenient town or place, towns or places in any such district in which a Civil Bill Court and a court for transacting such criminal and other business as aforesaid shall be held; and every such district shall be distinguished by the name of such town or place, and every such session and adjournment thereof shall be good and effectual for the administration of criminal business and Civil Bill cases, and doing all other business that may by law be done at the General Quarter Sessions of the Peace; and the Grand Juries of the several counties in which such districts shall be situated, shall and they are hereby required to present such sums as may be necessary for building or repairing Sessions Houses in such towns or places, and for paying the rent or hire of convenient places for holding such Sessions until such Session Houses in such towns or places shall be built, and for the payment of Salaries to Criers of such Courts, in the same manner as they are empowered and required to present for such building and repairs and hire or rent and salaries by the said Act of the fifty-sixth year of the reign of his Majesty King GEORGE the Third, or any other Act now in force; and the Assistant Barristers and Justices of the Peace of such several counties, shall have the same power in all respects of hiring such place or places for holding Sessions, as is given to them by such recited Act in relation to the places thereby directed to be provided for holding sessions.

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55.
Assistant
Barristers to
appoint times

And be it further Enacted, That the Assistant Barristers of the several counties in Ireland shall at the Sessions by law appointed for fixing

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fixing the times for holding the Sessions, fix the times for holding the Sessions at any additional place or places, which shall be as near to the time for holding the other Sessions as can conveniently be appointed by the Clerk of the Peace, who shall notify the time for holding such additional Sessions in the same manner as he is now required to notify the time for holding the Quarter Sessions and other Sessions of the Peace.

for holding Sessions in such additional places.

And be it Enacted, That from and after the *commencement of this Act*, it shall and may be lawful for the Lord Lieutenant or other Chief Governor of Ireland for the time being, by and with the advice of the Privy Council, to direct that a General Session of the Peace and Civil Bill Court shall be held *Four* times in every year in all or any of the towns appointed for holding Sessions ; and the Lord Lieutenant or other Chief Governor of Ireland for the time being shall nominate and appoint the baronies or half baronies or parishes for which respectively such Sessions shall be held.

56.

Lord Lieutenant may direct Sessions to be held Four times in every year in any town.

And be it Enacted, That if from and after the *commencement of this Act* any action or proceeding shall be brought in any of His Majesty's Superior Courts of Record at Dublin, for any cause for which proceedings might have taken by Civil Bill before any Assistant Barrister, then and in such case the Plaintiff shall only be entitled to Civil Bill costs, unless the Defendant in such action shall have consented by a memorandum signed by him or his Attorney to the action or proceedings being brought in one of the Superior Courts, or unless the Judge or Court before whom such action shall be tried or judgment given shall certify that such action or proceeding was properly brought in such Superior Court.

57.

If Act brought in a superior Court which might have been brought in a Civil Bill Court, Plaintiff shall only be entitled to Civil Bill Costs.

And be it Enacted, That if any person taking an Oath or making a Declaration or Affirmation in any action, examination or other proceeding under the provisions of this Act, shall wilfully and corruptly swear, declare or affirm falsely, he shall be deemed guilty of *Perjury*, and shall be liable to be prosecuted and punished accordingly ; and if in any such action, examination or other proceeding, the Assistant Barrister shall deem any witness or party to have so far wilfully and corruptly sworn, declared or affirmed falsely, as that, in his opinion, such witness or party ought to be prosecuted at the expense of the county within which the witness or party shall have so sworn or affirmed or declared, and shall certify such opinion in writing, then and in every such case, if any prosecution takes place, the Court in which such prosecution shall take place, shall make an order for payment of the expenses of such prosecution by the Treasurer of the County.

58.

Perjury.

And be it Enacted, That all Acts heretofore passed and now in force, relating to Civil Bill Courts, shall remain in full force and effect,

59.

Former Acts to remain in force.

except so far as the same, or any part thereof respectively are or is hereby expressly varied.

60.
Decree of
Civil Bill
Court may be
given in evi-
dence under a
plea of the
General Issue.

And be it further Enacted, That in any case where the decree of any Civil Bill Court may be set up as a defence to any action in any Superior Court, it shall not be incumbent on the party to plead such decree specially, but it shall be lawful for him to plead generally, and to give the decree in evidence as special matter.

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61.
Assistant
Barristers to
ballot for
Counties.

And be it Enacted, That on the *First* in the month of in every year the Lord High Chancellor or Lords Commissioners or Lord Keeper of the Seals for the time being in Ireland, or the Chief Justice of the Court of King's Bench or Common Pleas in Ireland, and every Assistant Barrister in Ireland shall meet in some place to be appointed for that purpose in Dublin, and shall then and there decide by ballot the particular county or district which each Assistant Barrister shall attend for the ensuing year ; and the Lord Chancellor or Judge who shall be present at every such meeting shall superintend the same, and the drawing of the balloting papers, and shall enter in a book to be kept for that purpose the particular county or district which shall have fallen to the lot of each Assistant Barrister to attend, and no alteration or change shall afterwards be made therein : Provided nevertheless, That in case of the unavoidable absence of any Assistant Barrister from illness or other sufficient cause, it shall be lawful for any other Barrister present at such meeting to draw for the Barrister so absent.

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62.
Interpretation
Clause.

And be it Enacted, That in the construction of this Act all and every the powers and authorities conferred on Assistant Barristers in Ireland shall and may be exercised and performed in the County of Dublin by the Chairman of the Sessions of the Peace for the County of Dublin, and in the City of Dublin by the Recorder of the City ; and so far as relates to the several matters and things to be done by or within the jurisdiction of the Chairman of the County of Dublin, or of the Recorder of the City of Dublin, the several proceedings and duties hereby directed to be had and done in the office of and by the Clerk of the Peace shall be had and done in the office of and by the Register of the Chairman of the County of Dublin, and in the office of and by the Clerk or Register of Civil Bills for the City of Dublin ; and the provisions of this Act in relation thereto shall extend to such Register of the Chairman of the County of Dublin and to such Clerk or Register of Civil Bills ; and wherever the Clerk of the Peace is named in this Act, the provision shall extend to the acting or Deputy Clerk of the Peace or other officer discharging the duties of a Clerk of the Peace under the Civil Bill Acts ; and that the words " Party and Person," whenever used in this Act, shall extend to and include any corporation, and

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5 and that all words importing the singular number or masculine gender shall be construed to extend to and include many persons as well as one person, and females as well as males, unless there be something in the context or provision repugnant to or inconsistent with such construction.

And be it Enacted, That this Act shall commence and take effect from and after the *First* day of *November One thousand eight hundred and Thirty-six*.

63.
Commence-
ment of this
Act.

And be it Enacted, That this Act may be repealed, altered or amended in this present Session of Parliament.

64.
Act may be
repealed or
amended this
Session.

SCHEDULES

To which the foregoing ACT refers.

FIRST SCHEDULE.

FORM of CIVIL BILL to be served upon the Defendant pursuant to this Act.

By the Assistant Barrister at the Sessions for the said County.

County of	A. B. of	}	THE Defendant is hereby required personally to appear
	in the County of		before the said Assistant Barrister, at
Division of	(addition of Plaintiff.)		on the day of to answer the
To wit,	Plaintiff. Defendant.		Plaintiff's Bill for [state the cause of action] or in default thereof, the said Assistant Barrister will proceed as to

justice shall appertain. Dated this day of One
thousand eight hundred and

Signed by [or on behalf of] the Plaintiff.

FORM of a DECREE for RECOVERY of LANDS.

By the Assistant Barrister at the Sessions for said County.

County of	A. B.	}	IT appearing to the Court that Plaintiff caused a Civil Bill
	Plaintiff.		to be brought against Defendant for recovery of [here state
Division of	C. D.		the cause of Action as in Civil Bill;] and it appearing to the

To wit, Defendant.] Court that the Plaintiff is entitled to the said

It is therefore ordered and decreed by the Court, that the Plaintiff do recover
from the Defendant the said

together with costs; and the Sheriff for the said County of
is hereby commanded to take possession of the said
and deliver up the same to the Plaintiff; and the said Sheriff
or the Bailiff for the said County is and are hereby commanded to take in
execution the body or goods of the said Defendant to satisfy the said costs.
Dated this day of One thousand eight hundred
and

Attorney for the Plaintiff.
Clerk of the Peace.
Assistant Barrister.

[Assistant Barrister's Warrant to be added.]

ORDER of REPLEVIN.

27

THE Sheriff of the County of _____ is hereby required, without delay, to cause to be replevied to A. B. (if he shall give sufficient security) the goods and chattels which C. D. unjustly detains. Signed the _____ day of _____ One thousand eight hundred and Thirty-

Y. Z.

Clerk of the Peace for the said County of _____

FORM of a DECREE for Payment of DAMAGES for improper DISTRESS.

By the Assistant Barrister at the Sessions for said County.

County of
Division of
To wit.

Plaintiff. } IT appearing to the Court that Plaintiff caused a Civil Bill to
Defendant. } be brought against the Defendant for recovery of damages on account of the goods and chattels of the Plaintiff having been improperly distrained by the Defendant; and it appearing to the Court that the Distress in dispute was improperly made: It is therefore ordered and decreed by the Court, That the Plaintiff do recover from Defendant the Sum of _____ for Damages and Costs; and the Bailiffs for the said County are hereby commanded, to take in execution the body or goods of the said Defendant to satisfy the same. Dated this _____ day of _____ One thousand eight hundred

Attorney for Plaintiff.

Clerk of the Peace for said County.

Assistant Barrister for said County.

[Assistant Barrister's Warrant to be added.]

FORM of a DECREE for DEFENDANT in case of DISTRESS.

County of
Division of
To wit.

Plaintiff. } BY the Assistant Barrister at the Sessions for the said
Defendant. } County.

IT appearing to the Court, that Plaintiff caused a Civil Bill to be brought against the Defendant for recovery of damages on account of the goods and chattels of the Plaintiff having been improperly distrained, and it appearing to the Court that the distress in dispute was not improperly made, It is therefore Ordered and Decreed by the Court, That the Defendant do recover from the Plaintiff the Sum of _____ for Rent due and _____ for Costs; and the Bailiffs for the said County are hereby commanded to take in execution the body or goods of the said Plaintiff to satisfy the same. Dated this _____ day of _____ One thousand eight hundred and

Attorney for Defendant.

Clerk of the Peace for said County.

Assistant Barrister for said County.

[Assistant Barrister's Warrant to be added.]

FORM of REPLEVIN BOND.

County of KNOW all Men by these Presents, That We, A. B. of
 Division of (tenant) and C. D. and E. F. (sureties) are and each
 To wit. of us is jointly and severally held and firmly bound to Y. Z. Sheriff of the
 County of in the Sum of £. of lawful British money,
 to be paid to the said Sheriff, or his certain Attorney, executors, administrators
 or assigns, for which payment well and truly to be made, we bind ourselves,
 our heirs, executors and administrators, and each and every of us binds him-
 self, his heirs, executors and administrators, firmly by these presents. Sealed
 with our seals and dated this day of One thousand
 eight hundred and thirty-

The condition of the above-written obligation is such that if the above
 bounden A. B. do prosecute his suit against G. H. of
 in the Court of the Assistant Barrister for the said
 County of at the Sessions, which will be held for the said
 County in the month of next, for the taking and unjustly
 detaining of his goods and chattels, to wit, [specify the goods and chattels]
 or do return all the said goods and chattels to the said G. H. his exe-
 cutors or administrators, then the above-written Obligation shall be void,
 otherwise the same shall be and remain in full force and virtue.

FORM of a DECREE for PAYMENT of a LEGACY.

County of By the Assistant Barrister at the Sessions for said County.
 Division of A.B. } IT appearing to the Court that Plaintiff caused a Civil Bill
 To wit. C.D. } to be brought against Defendant, as executor of A. B. for
 Defendant. } recovery of the sum of [here state the cause of Action as in
 Civil Bill]; and it appearing to the Court that is due to the
 Plaintiff for his Legacy; and that the Defendant ought to pay the same and
 the Costs of this Civil Bill [or, part of same, as the case may be]; It is therefore
 ordered and decreed by the Court, That the Plaintiff do recover from De-
 fendant the said sum of together with
 Costs; and the Bailiffs for the said county are hereby commanded, to take in
 execution the body or goods of the said Defendant, to satisfy the said Debt
 and Costs.
 Dated this day of One thousand eight
 hundred and
 Legacy
 Costs
 Warrant

Attorney for the Plaintiff.
 Clerk of the Peace for said County.
 Assistant Barrister for said County.

[Assistant Barrister's Warrant to be added.]

FORM of a DECREE for Payment of a distributive Portion of the Assets
of an INTESTATE.

By the Assistant Barrister at the Sessions for said County.

County of
Division of
To wit.

Plaintiff.	}	IT appearing to the Court that Plaintiff caused a Civil
Defendant.		Bill to be brought against the Defendant for recovery of the
		Sum of _____ for his

distributive portion as one of the Next of Kin, of the Assets of
of _____ who died intestate; and it appearing to the Court
that the Plaintiff is one of the Next of Kin of the said
and entitled to
and that the Defendant is the Administrator of the said
and that the Defendant has in his hands, of the Assets of the said
a Sum sufficient to pay the Plaintiff's Demand, [or, part of
same, as the case may be:] It is therefore ordered and decreed by the Court,
That the Plaintiff do recover from Defendant the said Sum of
together with _____ Costs; and the Bailiffs
for the said county are hereby commanded to take in execution the body
or goods of the said Defendant to satisfy the said Debt and Costs.—Dated
this _____ day of _____
One thousand eight hundred _____
Distribution Share £.
Costs
Warrant

Attorney for Plaintiff.
Clerk of the Peace for said County.
Assistant Barrister for said County.

[Assistant Barrister's Warrant to be added.]

FORM of a DISMISS of a CIVIL BILL.

By the Assistant Barrister at the Sessions for said County.

No.
County of
Division of
To wit.

Defendant, } IT appearing to the Court, that the Plaintiff
Plaintiff. } caused the Defendant to be served with Process

to appear here this present Session for [here state the cause of Action from the Civil Bill]; and that the Plaintiff hath failed to prove his said demand, [or right, as the case may be;] It is therefore decreed by the Court, That the Plaintiff's Bill be, and the same is hereby dismissed, and that the Defendant do recover against the Plaintiff the Sum of for Costs; and the Bailiffs for the said county are hereby commanded to take in execution the Plaintiff's body or goods to satisfy the said Costs.—Dated this day of one thousand eight hundred

Costs, £.
Warrant

Attorney for Defendant.
Clerk of the Peace for said County.
Assistant Barrister.

FORM of ASSISTANT' BARRISTER'S WARRANT.

I AUTHORIZE and empower the Bailiffs of this County to execute the above Decree. Given under my hand and seal, this day of
One thousand eight hundred

County of
Division of
To wit.

Assistant Barrister of said County. (Seal.)

SECOND SCHEDULE,

Containing a LIST of the FEES to be paid to the ASSISTANT BARRISTERS, CLERKS of the PEACE, ATTORNIES, SHERIFFS, REPLEVINGERS and BAILIFFS, for the discharge of the several Duties in this Schedule specified.

	£.	s.	d.
TO the Plaintiff's Attorney, for drawing or signing Civil Bill - - -	-	-	6
To the Plaintiff's Attorney, for attending and taking instructions for hearing, directing the necessary proofs, entering the Civil Bill, and attending the hearing, (except in Ejectment, Replevin and Legacy Cases) - - -	-	3	6
To the Defendant's Attorney, for the like, and entering Defence - - -	-	3	6
To the Plaintiff's Attorney, for attending and taking instructions for hearing, directing the necessary proofs, and attending the hearing of Ejectment Cases under this Act - - -	-	10	6
To the Defendant's Attorney, for attending and taking instructions for hearing, directing the necessary proofs, and attending the hearing of Ejectment Cases under this Act - - -	-	10	6
To the Plaintiff's Attorney, for attending and taking instructions in Replevin Cases under this Act, and attending the hearing thereof, where the amount of Rent distrained for shall not exceed the sum of 20 <i>l.</i> - - -	-	5	-
To the Plaintiff's Attorney, for attending and taking instructions in Replevin Cases under this Act, and attending the hearing thereof, where the amount distrained for shall exceed the sum of 20 <i>l.</i> - - -	-	10	6
To the Defendant's Attorney, for attending and taking instructions in Replevin Cases under this Act, and attending the hearing thereof, where the amount distrained for shall not exceed the annual sum of 20 <i>l.</i> - - -	-	5	-
To the Defendant's Attorney, for like, where the amount shall exceed 20 <i>l.</i> - - -	-	10	6
To the Plaintiff's Attorney, for attending the hearing of Cases relating to Legacies and distribution of Intestate's Effects - - -	-	5	-
To Defendant's Attorney, for the like - - -	-	5	-
To the Plaintiff's Attorney, for drawing up and signing any Decree or Renewal - - -	-	1	-
To the Defendant's Attorney, for drawing up and signing any Dismiss or Renewal - - -	-	1	-
To the Clerk of the Peace, for entering any Civil Bill - - -	-	-	3
To the same, for signing any Decree or Dismiss - - -	-	-	3
To the same, for signing and entering any Renewal - - -	-	-	4
To the same, for any Recognizance of Bail and Certificate of Appeal lodged, and entering the Appeal with Judges' Register - - -	-	1	-
To the same, for issuing Order to Replevin and entering Civil Bill thereon, and in lieu of all Charges relating to the Proceedings in Replevin Cases under this Act - - -	-	1	6
To same for each Copy of any Inventory of Assets lodged with him, and attesting same, per folio of 90 words - - -	-	-	4
To the same, for entering any Verdict of a Jury - - -	-	1	-
To the Assistant Barrister, for signing any Decree or Dismiss (except Ejectment and Replevin Cases and Cases relating to Legacies and distribution of Intestates' Effects) - - -	-	1	-
To same, for signing Decree or Dismiss in Ejectment and Replevin Cases and Cases relating to Legacies and distribution of Intestates' Effects - - -	-	5	-
To the same, for signing a Renewal of any Decree or Dismiss, and Affidavit to ground same - - -	-	1	-
To the Sheriff, for giving the possession to any Party under a Civil Bill Ejectment Decree - - -	-	5	-
To the Sheriff, or his Replevin, in drawing Affidavit of the value of goods distrained, and taking any Recognizance in Replevin cases under this Act, and in full of all Charges for any duties to be discharged by him relating thereto - - -	-	3	4
To the Bailiffs, to be appointed pursuant to this Act, for executing any Decree or Order - - -	-	1	-
And 3 <i>d.</i> in the Pound on the Amount recovered under such Execution.			
To the Sheriff, for summoning a Jury - - -	-	1	-

Civil Bill Courts (Ireland.)

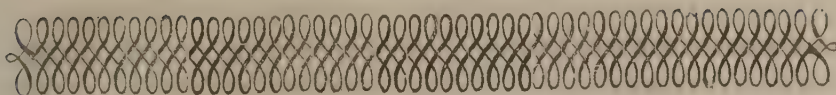
A

B I L L

To extend the Jurisdiction and regulate the
Proceedings of the Civil Bill Courts in
Ireland.

(Prepared and brought ~~on~~ by
Mr. Lynch, Mr. Sergeant Wolfe and
Mr. Morgan John O'Connell.)

Ordered, by The House of Commons, to be Printed,
7 March 1836.



(Ireland.)

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To extend the Jurisdiction and regulate the
Proceedings of the Civil Bill Courts in *Ireland*.

[N. B.—The Clauses marked (A. to D.) were added by the
Committee.]

WH^{EREAS} proceedings by Civil Bill, under and by virtue of an Act passed in the Parliament of *Ireland*, in the Thirty-sixth Year of the reign of his Majesty King GEORGE the Third, for the better and more convenient Administration of Justice, and for the Recovery of Small Debts in a Summary Way at the Sessions of the Peace of the several Counties at large within *Ireland* (except the county of *Dublin*), and the several Acts in force in *Ireland*, amending and extending the provisions of the said Act, have been found very beneficial; and it is expedient to enlarge the present Jurisdiction of the Civil Bill Courts in *Ireland*; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the commencement of this Act, the respective Assistant Barristers in *Ireland* shall and they are hereby authorized and empowered to hear and determine, within their respective jurisdictions, all disputes and differences between Party and Party for any sum or damages not exceeding Twenty Pounds sterling, in all cases of debt, covenant, assumpsit, actions on the case upon assumpsit or promises, trover, conversion, trespass, and in all other cases whatsoever (breach

Preamble.

1.
Assistant
Barristers to
hear and de-
termine cases
for sums not
exceeding 20*l*.

of promise of marriage, slander, libel, deceit and criminal conversation with a man's wife only excepted); and also all cases for the recovery of any penalty not exceeding Twenty Pounds imposed or to be imposed by any Act of Parliament.

2.
Jurisdiction as
to Lands.

And be it further Enacted, That the respective Assistant Barristers in *Ireland* shall and they are hereby authorized and empowered to hear and determine, within their respective jurisdictions, all disputes and differences respecting the possession of any lands, tenements or hereditaments held under any grant, lease or other instrument for any term or interest, the duration or extent whereof, when originally granted or created, did not exceed Three Lives, without any provision for the renewal thereof, or a term of Sixty-one Years determinable on Three Lives, or a term of Sixty-one Years absolute, and the yearly rent reserved or payable in respect whereof, under such grant, lease or other instrument, shall not exceed Ten Pounds, and in respect of which no fine exceeding Fifty Pounds was paid on the granting or execution of such grant, lease or other instrument; and every Person claiming such possession, may proceed by Civil Bill in the Court for the County, Division or District wherein such lands, tenements or hereditaments, or any part thereof, shall be situate, for recovery of such possession; and every such Civil Bill shall specify the name and residence of the claimant, and the description of the property sought to be recovered, and the Barony or Parish in which the same is situate, and shall require the Persons in possession of, or claiming any interest in, such lands, tenements or hereditaments to appear before the Assistant Barrister, on a day and at a place to be therein mentioned, to answer the said Civil Bill.

3.
Service of
Civil Bill in
such cases.

And be it Enacted, That every such Claimant as aforesaid shall and he is hereby required to serve the Persons who shall be in the actual possession of the lands, tenements or other hereditaments specified in and claimed by any such Civil Bill, and also such other Person or Persons (if any) as shall be interested in the same or in any part thereof, with such Civil Bill, Seven Days at least before the commencement of the Sessions in which such Civil Bill is to be heard or determined; and if there be not any Person in the actual possession of such lands, tenements or hereditaments, then the affixing of such Civil Bill to or upon some conspicuous part of the premises so claimed, and upon the door of the Protestant Church or Chapel (if any), and also upon the door of the Roman Catholic Chapel (if any), in the parish, place or district wherein the said premises shall be situated, shall be and be deemed to be good and sufficient service of such Civil Bill.

And

And be it Enacted, That in all actions and proceedings brought for the recovery of the possession of any lands, tenements or hereditaments under or by virtue of this Act, it shall be lawful for the Assistant Barrister to make an Order or Decree for the delivering up possession of such lands, tenements or hereditaments to the party entitled thereto.

4.
As to recovery
of Lands.

And be it further Enacted, That the respective Assistant Barristers in *Ireland* shall and they are hereby authorized and empowered to hear and determine, within their respective jurisdictions, all actions of replevin relating to distresses for rent between landlord and tenant, where the rent for or in respect of which any distress shall be or ought to have been made shall not exceed Fifty Pounds in amount or value.

5.
Jurisdiction in
Replevin
cases.

And be it Enacted, That in all cases of distresses for rent the person making any such distress shall deliver to the person in possession of the premises, for the rent of which such distress shall be made, or in case there shall not be any person found in possession, shall affix on some conspicuous part of such premises a particular in writing of the rent demanded, specifying the amount thereof, the time or times when the same accrued, and the person by whom or by whose authority such distress is made.

6.
CLAUSE (A.)
In cases of
distresses for
rent particu-
lars of de-
mand to be
given.

And be it Enacted, That the Sheriff for the time being for every county in *Ireland* shall depute a sufficient number of persons in each county to act as Replevings in case of distresses for rent, so as that there shall be one such Repleving in every town wherein General or Quarter Sessions of the Peace are held; and for every refusal or neglect to appoint, within Ten Days, a sufficient number of persons to act as Replevings as aforesaid, and also for every Month during which there shall not be one such Repleving in each such Sessions town, every such Sheriff shall forfeit and pay the sum of Twenty Pounds, to be recoverable by Civil Bill, by any person who will sue for the same; and such Replevings so to be appointed as aforesaid shall have authority, in the Sheriff's name, to grant replevins and make deliverance of all distresses, in such manner or form as the Sheriff may and ought to do, and shall be entitled to receive the fees mentioned in the Second Schedule hereunto annexed, and no more.

7.
Appointment
of Replevin-
gers.

And be it Enacted, That where any party whose goods or chattels shall have been distrained for rent, shall dispute the validity of the distress, and the amount of the rent distrained for shall not exceed Fifty Pounds, it shall be lawful for such party to lodge with the Clerk of the Peace for the county wherein such distress shall have been made, a Civil Bill, stating the particulars of the property distrained, and the place where made, and the person and persons by whom or on whose

8.
Mode of pro-
ceeding in
Replevin
cases.

behalf such distress was made; and requiring such person or persons to appear and answer such Bill at the next General or Quarter Sessions of the Peace for the district, division or riding in which such distress was made, in case there shall be Ten clear Days between the day of lodging such Civil Bill and the first day of holding such Sessions, and 5 if not, then at the Sessions for such division, district or riding next after the expiration of Ten Days from the day of lodging such Civil Bill; and thereupon the said Clerk of the Peace shall issue an Order requiring the Sheriff of the county to replevy the goods and chattels so distrained; and the Sheriff to whom any such order shall be 10 directed, or his Replevenger, shall and he is hereby required, upon good security (by the bond of the person obtaining such order and Two responsible persons as Sureties) being given to him in double the amount of the value of the property distrained, to execute such order, and make a correct and proper return of the manner in which the 15 same shall have been executed, or to signify the cause why the same has not been executed to the Court of the Assistant Barrister for the county, within Seven Days next after such order shall have been delivered to him.

9.
Form of Bond.

And be it Enacted, That the Bond so to be given to the said Sheriff 20 shall be in the form or to the effect set forth in the First Schedule hereunto annexed, or as near thereto as the circumstances of the case will admit.

10.
If proposed
Sureties be
objected to,
the reason of
refusal to be
stated in
writing.

And be it Enacted, That in every case where the persons who shall be proposed as Sureties on behalf of any party whose goods or chattels 25 shall have been distrained, shall be objected to, the reason or ground of such objection shall be stated in writing by the Sheriff or Replevenger so objecting.

11.
Copy of Civil
Bill to be
served on
Defendant.

And be it Enacted, That in every case where any goods distrained shall be replevied as aforesaid, a copy of the Civil Bill, which shall have been lodged with the Clerk of the Peace as aforesaid, shall be 30 served by or on the part of the Plaintiff in such Civil Bill, upon every person named as Defendant therein, in the same manner as Civil Bills for recovery of debts are now required to be served Six Days at least before the first day of holding the Sessions to which it is returnable: 35 Provided always, That in case the party on whose behalf such distress was made shall not reside within the jurisdiction of such Assistant Barrister, service of such Bill on the person who made the distress for him shall be deemed good service on such party; and such party, although not residing within the county, shall for the pur- 40 poses of this Act be deemed and taken to be within the jurisdiction of the Assistant Barrister of the county in which the distress was made.

And

And be it Enacted, That the Assistant Barrister shall in every such case of distress and replevin hear and determine the Civil Bill, and ascertain whether any and what rent was due to the defendant at the time of making such distress; and if it shall appear that any sum was
 5 due for rent, and that no tender of the sum so due was made before the distress in question was made, it shall be lawful for such Assistant Barrister, and he is hereby required to make a decree for payment of the sum ascertained to be due for rent, and the Costs of defending such Civil Bill and making such distress; and such sum and costs
 10 shall and may be levied by virtue of such decree; and in case it shall appear that no rent was due at the time of such distress, it shall be lawful for the Assistant Barrister to direct the Bond which shall have been so given as aforesaid, to be delivered up to the party complaining of the distress, and also to make a decree for payment by the
 15 defendant to such party of such damages as the Court may think fit, and, if necessary, to direct that such damages and costs shall be set off against or deducted from any rent then due or thereafter to accrue due by the party complaining, and to make a decree accordingly.

12.
 Assistant Barrister to hear and determine such Civil Bill.

And be it Enacted, That the Bond so directed to be given as aforesaid, shall be assigned by the Sheriff or his representative to such person or persons as the Assistant Barrister shall direct; and such assignment shall be by an indorsement on the Bond, which shall not require any stamp; and the assignee of such Bond shall be at liberty
 20 to sue in his own name, upon or by virtue of such Bond, in the Court of the Assistant Barrister within whose jurisdiction any one of the obligors of such Bond shall reside, without regard to the amount of the penalty of such Bond; and such proceedings may be taken against all the obligors of such Bond, or against any one or more of them.

13.
 Mode of Assignment of Bond.

And be it Enacted, That in case the person or persons complaining of any such distress shall not duly appear at the Sessions, and there prosecute such Civil Bill, and obtain a decree therein, the Assistant Barrister shall and may, at the request of any party named as a
 30 defendant in such Civil Bill, make an order or decree, that the Bond so directed to be given to the Sheriff as aforesaid, shall be assigned to the defendant so applying; and such Bond shall be assigned, as hereinbefore directed, to the party so applying; and such Bond shall be and stand as a security for the full amount of the value of the goods distrained, and the costs of the proceedings in relation to the distress,
 40 and of the proceedings on such Civil Bill and such Bond.

14.
 Bond to be assigned if Plaintiff do not prosecute suit.

And be it Enacted, That it shall be lawful for the Assistant Barrister to order and decree that the goods distrained shall be returned to the party who distrained the same, and in every such case where the goods
 167. A 3 distrained

15.
 If goods returned, no proceedings to be had on Bond, and goods may be sold.

distrained shall be actually returned to the party who distrained the same, and the costs of the proceedings paid, no further proceedings shall be had on the Bond which shall have been given as aforesaid; and all such goods, if returned or recovered under any such decree as aforesaid, may be sold for the recovery of the rent due and expenses, at the expiration of Four Days after the return thereof. 5

16.
7 & 8 Geo. 4.
repealed.

AND whereas an Act of Parliament was passed in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for the Relief of Persons aggrieved by unlawful or excessive Distresses in *Ireland*;" but the provisions of the said Act have been found to be wholly ineffectual, and it is desirable that the said Act should be repealed; BE it therefore Enacted, That from and after the commencement of this Act, the said recited Act of the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth shall be and the same is hereby Repealed; and that so much of an Act passed in the tenth year of the reign of his Majesty King CHARLES the First, intituled, "An Act for the Impounding of Distresses;" and so much of an Act passed in the third year of the reign of his Majesty King GEORGE the Second, intituled, "An Act for the further explaining and amending several Statutes for protecting Under-Sheriffs and Sheriff's Clerks from officiating as Sub-Sheriffs or Sheriff's Clerks more than One Year, and to render more effectual an Act to prevent Fees being taken in certain cases, and to take away the pretended office of Barony Clerk, and to oblige Sheriffs to appoint Deputies for granting Replevins, and also for discharging of Prisoners unable to pay their Fees," as relate to the appointing and proclaiming of Deputies by Sheriffs, for making or granting replevins, and making deliverance of distresses, shall be and the same is hereby Repealed. 10 15 20 25

17.
Legacies and distributive shares payable out of assets of any deceased person (when such assets shall not exceed 200 £.) recoverable by Civil Bill.

And be it Enacted, That where the amount of the assets of any deceased person shall not exceed in value the sum of Two hundred Pounds, it shall and may be lawful for any legatee of any specific chattel or for any legatee of any pecuniary legacy, payable out of the assets of any such deceased person, or any residuary legatee, or for any person or persons entitled as next of kin of any such deceased person, or the executors, administrators or assigns of such legatee or next of kin, and they are hereby authorized and empowered to proceed by Civil Bill against the executor or administrator of such deceased person in the county or district in which such executor or administrator shall be resident, for the recovery of such legacies or distributive shares at any time after the expiration of One Year from the decease of the testator or intestate, but not sooner; and it shall and may be lawful for such Assistant Barrister as aforesaid, upon due proof that the defendant had received, or without wilful default might have received, assets of the testator or intestate, sufficient and liable, after payment of all just debts, for the satisfaction in a due course of administration either in the whole or in 30 35 40

in part of the plaintiff's demand to make a decree for payment of such legacy or distributive portion rateably and proportionably with other legatees standing in the same situation, or other next of kin respectively, as the case may be; and in case the plaintiff shall establish his right to any specific chattel, it shall and may be lawful for such Assistant Barrister as aforesaid to make an order for delivery of the same to the party entitled thereto, or to make a decree for payment of the value thereof and costs of suit; and in case the plaintiff shall establish his right as residuary legatee, it shall and may be lawful for such Assistant Barrister as aforesaid to make an order for the delivery, transfer or payment of such residuary estate and effects to the party decreed entitled thereto.

Provided always, and be it Enacted, That every Civil Bill to be brought for the recovery of a legacy or distributive share, under or by virtue of this Act, shall, Twelve Days at least before the Sessions, be duly served upon the party against whom the same is brought, or left at his usual or last known place of abode.

18.
Civil Bill in such cases to be served 12 days before Sessions.

And be it Enacted, That where the property or assets of any deceased person shall not exceed in value the sum of Two hundred Pounds, every Executor or Administrator shall, if thereunto required by notice in writing by any legatee, next of kin, creditor or other person interested therein, within Twelve Months after the decease of the testator or intestate, lodge with the Clerk of the Peace of the county wherein such testator or intestate resided at the time of his death, a Schedule or Account, setting forth the particulars of the property or assets of or to which the testator or intestate died possessed or entitled, and the amount, produce and value of the same respectively, and the amounts and particulars of the debts due by the said testator or intestate, and the amounts and particulars of the debts, legacies and funeral and testamentary expenses of the testator or intestate paid by or on account of any such executor or administrator, and showing the balance applicable to the purposes of the Will of the said testator, or distributable amongst the next of kin of the said intestate, or the property or chattels then undisposed of; and every such Schedule or Account shall be verified by the oath or affirmation (as the case may be) of the executor or administrator to be sworn before the said Clerk of the Peace, and which oath or affirmation the said Clerk of the Peace is hereby authorized and directed to administer; and such Schedules or Accounts shall be preserved and kept by the Clerks of the Peace among the records of their respective counties, and shall be deemed and taken as evidence against the said executor or administrator of the several matters therein contained.

19.
Executors and Administrators to lodge accounts, if required.

And be it further Enacted, That in case any such Executor or Administrator shall neglect to lodge such Schedule as aforesaid within

20.
Penalty on Executors or Administrators neglecting to lodge such account.

the time hereinbefore specified, he shall forfeit any sum not exceeding Twenty Pounds, to be recoverable by Civil Bill before the Assistant Barrister of the county wherein such executor shall reside, by any person suing for same.

21.

Examination
of Executor
or Adminis-
trator.

And be it Enacted, That in all proceedings by Civil Bill by any legatee or next of kin for recovery of any legacy or distributive share as aforesaid, it shall and may be lawful for the plaintiff, as such legatee or next of kin in such Civil Bill as aforesaid, to examine on oath in open Court such executor or administrator, in order to obtain a discovery of the estate and effects of the testator or intestate at the time of his or her decease, and the value thereof, and of his or her debts, funeral and testamentary expenses, and to obtain an admission that the defendant is the executor or administrator (as the case may be), and to ascertain all such facts as a party suing as legatee or as next of kin in a Court of Equity is entitled to discovery of.

15

22.

Executors or
Administrators to produce
copy of Will
and Letters of
Administration, and to
submit to be
examined on
oath on trial
of Civil Bill.

And be it Enacted, That every Executor or Administrator may be compelled by summons, to be signed by the Clerk of the Peace, in like manner as witnesses are compelled to attend and give evidence in the Civil Bill Courts, to attend and produce the Probate (if any) of the Will of the testator, or the Letters of Administration of the testator or intestate (as the case may be), and submit to be examined on oath in open Court touching the matters aforesaid on the trial of any such Civil Bill in any riding, division or district of the county where such cause shall be heard; and every executor or administrator who shall disobey any such summons shall forfeit and pay the sum of Ten Pounds as a penalty; but such fine or penalty may be mitigated or wholly given up, if the Assistant Barrister before whom he shall have been required to attend, shall, upon good and sufficient cause being shown, think fit to mitigate or give up the same.

25

23.

Assistant
Barrister may
advertise for
claims or
assets.

And be it further Enacted, That it shall be lawful for any Assistant Barrister, in any action or proceeding for a legacy, or a distributive share of the property or assets of a testator or an intestate, to require the party suing to give notice, either by advertisement or otherwise, requiring persons having claims on the property or assets of the deceased, to produce and verify such claims; and no such advertisement shall be charged with or liable to any duty; and all costs relating to such notice shall be borne and paid in such manner and by such parties as such Assistant Barrister shall order or direct; and the Assistant Barrister may, if he shall think fit to direct such notice to be given, adjourn the Civil Bill to some future Sessions, so as to allow sufficient time for publishing or giving such notice.

30

35

And

And be it Enacted, That any person rendering himself an Executor *de son tort*, shall be liable to be sued by Civil Bill in the manner hereinbefore mentioned, as if such person had obtained probate.

24. 41
Executors *de son tort* to be liable.

And be it Enacted, That in any such action or proceeding the Assistant Barrister may, if he thinks fit, direct money to be paid into the Bank of *Ireland*, Savings Bank legally established or such Branch Bank of the Bank of *Ireland* as he shall direct, in the name of such Assistant Barrister, to the credit of the cause in question ; and such money shall be applied and disposed of according to the order and directions of such Assistant Barrister ; and all payments of such monies shall be made upon an order in writing, under the hand of the Clerk of the Peace for the time being, countersigned by the Assistant Barrister ; which order shall be a good and sufficient warrant to all intents and purposes.

25.
Money may be required by Assistant Barrister to be paid into the Bank.

And be it Enacted, That it shall and may be lawful for any legatee of any pecuniary legacy not exceeding Twenty Pounds, charged upon or payable out of any real estate, or any person to whom arrears, not exceeding Twenty Pounds, are due in respect of any rent-charge or annuity charged upon or payable out of any real estate, to proceed by Civil Bill against the person who shall be entitled to the real estate charged with such legacy or arrears; and it shall and may be lawful for the Assistant Barrister, upon due proof by the Plaintiff that such real estate is liable to such legacy or arrears, and that the owner thereof has received therefrom, for his own use and benefit, more than the amount of the legacy or sum sought to be recovered, to order or decree the payment of such legacy or arrears by the owner of such real estate.

26.
Legacies not exceeding 20 *l.* charged on real estate to be recoverable.

And be it Enacted, That in all proceedings under this Act to recover any legacy or real estate, an examined or attested copy of the Will bequeathing it, or of any Will giving title to it, shall be received as evidence, as if the original Will or probate thereof was produced.

27.
Attested copy of Will good evidence.

And be it Enacted, That the several Civil Bills, orders, proceedings, decrees and dismisses which shall be brought, prosecuted and pronounced in pursuance of this Act, shall be in the form or to the effect prescribed by the First Schedule to this Act annexed, or as near thereto as circumstances will admit.

28.
Civil Bills, &c. to be in form prescribed in Schedule.

And be it Enacted, That all and every the provisions of the several Acts now in force relating to Civil Bill Courts, in respect of the employment of Counsel and the duties of Sheriffs and of Clerks of the Peace in relation to any proceedings by Civil Bill, and all other regulations and provisions of the said Acts in relation to proceedings by Civil Bills, shall apply and extend to the proceedings under this Act, so far as the same are applicable thereto, or not repugnant to or inconsistent with the provisions

29.
Provisions of Civil Bill Acts relating to employment of Counsel, &c. shall extend to proceedings under this Act.

visions of this Act, and that all such provisions and regulations shall also extend and be applicable to proceedings in the Court of the Recorder of the City of *Dublin*, and in the Court of the Chairman of the Sessions of the Peace for the County of *Dublin*.

30.
Appeal.

And be it Enacted, That in any case where any party shall be dissatisfied with the judgment or decree or dismissal of the Assistant Barrister, touching or concerning any proceedings which may be instituted or prosecuted under or by virtue of the provisions of this Act, it shall be lawful for such party to appeal against such decision or decree, in like manner and upon the like terms and stipulations as appeals in other cases are allowed to be brought under or by virtue of the Acts now in force relating to proceedings by Civil Bill. 5 10

31.
CLAUSE (B.)
In case of
absence of
Plaintiff or
Defendant,
how Appeal
may be prose-
cuted.

AND whereas Plaintiffs and Defendants appearing by Attorney, and not attending in person at the Quarter Sessions, are deprived of their right of appeal, by reason of their being necessary parties to the recognizance to prosecute such appeal; BE it therefore Enacted, That in case of the absence of any such Plaintiff, it shall and may be lawful for him to enter an appeal without entering into such recognizance upon paying the Defendant or depositing with the Clerk of the Peace double the costs of such dismissal, and performing the other requisites now required by law in cases of appeal (save as to such recognizance); and it shall and may be lawful for any such Defendant to enter an appeal on a like payment to the Plaintiff, or depositing with the Clerk of the Peace double the costs of such decree, and performing the other requisites as to appeals now required by law (save as to such recognizance); but a recognizance in case of the absence of the Defendant shall, in every case, be entered into on his behalf by two solvent sureties, to prosecute the appeal and to pay the amount to be decreed against the Defendant and costs. 15 20 25

32.
Contracts re-
specting pro-
perty not
exceeding 20*l*.
in value to be
received in
evidence with-
out stamp.

And be it further Enacted, That all Contracts in writing relating to property not exceeding Twenty Pounds in value, save and except leases and contracts for leases exceeding Three Years, and promissory notes or bills of exchange, shall and may hereafter be received in evidence in any Civil Bill Court in *Ireland*, notwithstanding that the same may not have any stamp affixed thereto. 30 35

33-
Assistant
Barrister may
dismiss Civil
Bill.

And be it Enacted, That wheresoever the said Assistant Barrister shall in any Civil Bill brought under and by virtue of this Act, grant a decree, the same shall be with costs, but in case the Plaintiff in any Civil Bill brought under or by virtue of this Act, or any other Act, shall not proceed in the same, or shall fail to establish his case to the satisfaction of the Assistant Barrister, such Assistant Barrister shall and he is hereby authorized and empowered to dismiss such Civil Bill with 40

with costs, and either without prejudice to the Plaintiff's proceeding by a new Civil Bill, or on the merits, as he shall think fit.

34.
Decrees and
Dismisses
may be re-
newed.

And be it Enacted, That it shall be lawful for any Plaintiff or Defendant, or surviving Plaintiff or Defendant, or the Executor or Administrator of any Plaintiff or Defendant, or Assignee or Assignees of any Plaintiff or Defendant who shall have become bankrupt or insolvent, or the Husband of any Plaintiff or Defendant by whom any decree or dismiss was obtained, to renew any decree or dismiss, or any affirmance or reversal of any decree or dismiss of the Assistant Barrister, affirmed or reversed on appeal : Provided, That all such renewals shall be subject to the same and the like conditions and regulations as are now required by law in case of any renewal which may now be made; and provided also, That no Civil Bill decree or affirmance of a decree, or affirmance of a decree for possession, shall be renewed, save for the costs thereby decreed; and provided, That it shall not be lawful for any Assistant Barrister to grant a renewal of any Civil Bill decree or dismiss, affirmance or reversal, when Two Years shall have elapsed after such decree or dismiss, affirmance or reversal shall have been pronounced, nor at any time to grant such renewal to or against any person not being an original party to such Civil Bill, unless upon proof made in open Court that the party seeking such renewal caused notice in writing to be served upon the person against whom it is sought to renew such decree or dismiss, affirmance or reversal, setting forth the particulars of such decree, and the amount for which the application to renew such decree is proposed to be made; such notice to be served in like manner as civil processes are required by law to be served, Six Days previous to the first day of holding the Civil Bill Court to which such application is intended to be made, and to be entered with the Clerk of the Peace, and heard and determined in like manner as an original Civil Bill.

35.
Court may
award allow-
ance for loss
of time to
witnesses.

And be it Enacted, That in all cases of Civil Bill decrees or dismisses, it shall be competent for the Court at its discretion to award and include in the costs a reasonable sum for the expenses of any witness or witnesses.

36.
Decrees to be
signed by suc-
cessor of
Assistant
Barrister.

And be it Enacted, That in case of the death, removal or incapacity of the Assistant Barrister of any county or riding, it shall and may be lawful for his successor, or the Barrister for the time being acting for him, to sign any order or decree pronounced by the Barrister so dying or removed, or becoming incapable as aforesaid; and the order and decree so signed shall be as valid and effectual as if the same had been signed by the Assistant Barrister who pronounced the same.

37.
Verbal or
technical
errors not ma-
terial.

And be it Enacted, That no action or proceeding under or by virtue of this or any other Act relating to Civil Bill Courts shall be treated or considered as invalid on account of any verbal or technical error in the same ; and it shall be lawful for every Assistant Barrister to decide and determine what is a verbal or technical error or mistake in any action or proceeding, but all errors or mistakes which have not a tendency to mislead the opposite party shall in all cases be deemed merely verbal or technical. 5

38.
Parties may
appeal to the
oath of each
other.

And be it Enacted, That both parties shall be mutually at liberty to appeal each to the oath of the other on the subject of the alleged cause of action, provided that a notice in writing be served on the party so intended to be examined at least Two Days previous to the commencement of the Sessions, but the Assistant Barrister may prevent and dispense with such Appeal in such cases as he may think it expedient to do so. 10

39.
Regulating
hours of
sitting of
Court of
Quarter
Sessions.

And be it Enacted, That the Court of Quarter Sessions shall, after the first day of every Session, commence its sittings in the months of December and January not earlier than Nine nor later than Ten of the clock in the forenoon, and in other months not later than Nine of the clock in the forenoon, save when prevented by the illness or unavoidable absence of the Assistant Barrister or other fatality, and shall at once proceed with the criminal or civil business ; and that no trial or case, criminal or civil, or other business shall be entered upon after the hour of Six of the clock in the afternoon of any day, nor shall any Civil Bill be called on after that hour, except at the request of both parties. 15 20

40.
In case of
death of Clerk
of the Peace
during Ses-
sions, Assistant
Barrister to
have power to
appoint an-
other pro tem-
pore.

And be it Enacted, That in case of the death or disability of any Clerk of the Peace during Sessions, and of no immediate appointment of a successor or sufficient deputy being made, the Assistant Barrister shall appoint a fit and proper person to act as Clerk of the Peace in the mean time, and to allocate a due proportion of the fees or salary in remuneration of the person so acting. 25 30

41.
Order in which
actions are to
be heard.

And be it Enacted, That all disputes and differences shall be heard and determined at every Sessions in alphabetical order according to the surnames of the Plaintiffs, and be entered accordingly in the book of the Clerk of the Peace.

42.
Bailiffs to be
appointed to
execute
decrees of
Civil Bill
Court.

And be it Enacted, That the Lord Lieutenant or other Chief Governor of *Ireland* for the time being, shall appoint a sufficient number of proper and responsible persons in every county, to act as Bailiffs for the execution of the decrees or orders of the Civil Bill Court for the county, and no person shall be authorized or empowered to execute any decree or order of any Civil Bill Court (save only decrees for possession), unless 35

145

unless he shall have been so appointed Bailiff as aforesaid; and all persons to be appointed Bailiffs as aforesaid, shall and may have and exercise all the powers and authorities which Sheriffs of counties in *Ireland* are enabled or empowered by law to have or exercise in the execution of the decrees or orders of the Civil Bill Courts; and such Bailiffs are hereby empowered and required to execute all decrees and dismisses, and all orders and decrees which shall be made by any Assistant Barrister, save only decrees for possession of lands, which shall be executed by the Sheriff.

- 10 And be it Enacted, That the Bailiffs so to be appointed as aforesaid, shall be entitled to receive, on the execution of decrees and orders, the fee and poundage set forth in the Second Schedule hereunto annexed, and no other fees or payments shall be recoverable or receivable by them, and the same shall be taxable against the party.

43.
Fees payable
to Bailiffs.

- 15 And be it Enacted, That every person appointed to act as Bailiff as aforesaid, shall, before he acts in his said office, together with Two responsible and sufficient Sureties, give and execute to the Clerk of the Peace for the county in which such Bailiff shall be appointed to act, a Bond in the penalty of Fifty Pounds, conditioned for the proper performance of the duties of his office, and such Bond shall vest in the Clerk of the Peace of the county for the time being, and may from time to time be sued on in his name, or in the name or names of any person or persons to whom it may be assigned under any order of the Assistant Barrister; which assignment shall be made by an unstamped Indorsement by the acting Clerk of the Peace for the time being, and it shall be the duty of the Clerk of the Peace for the time being to inquire and ascertain from time to time whether any of the Sureties have become insolvent, or have died, and to require the Bailiff to give further or other security; and such Clerk of the Peace shall certify to the Assistant Barrister at each Session, that such Sureties are alive and solvent; and any person who shall sustain any damage by the neglect or misconduct of any such Bailiff may proceed before the Assistant Barrister by Civil Bill, to recover from him and his Sureties the amount of such damages not exceeding Fifty Pounds; and the Bond so given shall stand and be an additional security for such damages, and shall, if necessary, be put in suit to recover the sum and costs from the parties thereto, or any of them.

44.
Bailiffs to give
security.

- And be it Enacted, That the sum or fee of One Shilling now payable to the Sheriffs in *Ireland* for every Special Warrant granted at the peril of the party requiring the same, shall be no longer payable, and that the said Act of the thirty-sixth of King GEORGE the Third, so far as respects the payment to the Sheriffs of the said sum or fee of One Shilling, be Repealed; and that every Sheriff shall be entitled to and

45.
Act of 36 G. 3.
repealed so
far as respects
the payment
of 1 s. to the
Sheriff.

be paid a sum of Five Shillings, and no more, for every decree for delivering possession made by an Assistant Barrister or Judge on appeal; all which decrees the said Sheriffs are hereby required to execute.

46.
Books of Process Servers to be evidence in certain cases.

And be it Enacted, That in case of the illness or unavoidable absence of any Process Server, the entries made in his book verified by his affidavit, or in case of his death, verified as to his handwriting by some credible person, shall be received as evidence of the service of the several processes stated in such book to have been served, and that the fee of Sixpence allowed to such Process Server on each Civil Bill be in future taxed and allowed against the defendant, in like manner as other costs taxable against the party.

47.
Bailiffs may sell goods taken in execution.

And be it Enacted, That the Bailiffs so to be appointed as aforesaid, shall have full power and authority to sell goods taken in execution by them by public auction, without the assistance of a licensed auctioneer.

48.
Fees specified in Second Schedule to be deemed lawful fees.

And be it Enacted, That in all actions and proceedings by Civil Bill, the fees specified in the Second Schedule to this Act annexed, shall be established, and be deemed and taken as the lawful fees and emoluments for the discharge of the several duties therein specified; and no other fees or payments shall be recoverable for the discharge of such duties.

49.
Penalties.

And be it Enacted, That every Clerk of the Peace, Attorney, Sheriff or his deputy, Bailiff or Process Server who shall receive any greater fee, gratuity or emolument, or other consideration for any of the services specified in the said Schedule, shall forfeit and pay the sum of Twenty Pounds sterling for every such offence, to be recovered by Civil Bill or otherwise, by any person who may sue for the same.

50.
Table of Fees to be exposed in some conspicuous parts of office of the Clerk of the Peace and Court of Quarter Sessions.

And be it Enacted, That every Clerk of the Peace shall cause to be constantly exposed, as well in his office as also in some conspicuous place accessible to the Public, in every Court of General or Quarter Sessions within his county, a fair and legible Table, painted or printed in letters and figures not less than One-half Inch in length, of the fees payable upon all proceedings upon all Civil Bills, and likewise the penalty to which any person may become liable for receiving any greater fee than is set forth in the said Second Schedule to this Act annexed for any of the services therein specified; and that on proof made on summary application to the Court of any neglect or omission of such exposure, the Clerk of the Peace so neglecting shall forfeit any sum not exceeding Five Pounds, to be paid to the Treasurer of the county within which such penalty shall be incurred, and accounted for and applied by such Treasurer to the aid of the expenditure of such county; and it shall be lawful for the Grand Jury of every county,

at

at any Assizes to be held in and for such county, to present the reasonable and actual expenses of preparing and exposing such tables to be raised by presentment upon such county, and to be paid to such Clerk of the Peace.

- 5 And be it Enacted, That so much of the said Acts relating to Civil Bills as requires Oaths to be taken by the Attornies practising in Civil Bill Courts at the commencement of every Session be repealed, and that in future such Attornies, on their commencement of practice in each county, shall make and sign an Affidavit in writing, to be
10 attested by the Assistant Barrister, and to be deposited in the office of the Clerk of the Peace amongst the records of the Court, in the Form following; (that is to say)

“ I, A. B. one of the Attornies, do swear, that I will faithfully discharge all such duties and business as may be intrusted to my
15 charge.”

- AND whereas it is considered that under the provisions of an Act passed in the fifty-sixth year of the reign of his Majesty GEORGE the Third, intituled, “ An Act to amend the Law of *Ireland*, respecting the recovery of Tenements from absconding, overholding and defaulting
20 Tenants, and for the protection of the Tenant from undue Distress,” which Act is explained, amended and extended by two other Acts respectively passed in the fifty-eighth year of the reign of his Majesty King GEORGE the Third, and in the first year of the reign of his late Majesty King GEORGE the Fourth, the Tenant or Defendant
25 only is entitled to the right of appeal in proceedings instituted under the provisions of the said Acts; BE it therefore Enacted, That the Landlord or Plaintiff shall in all proceedings under the said recited Acts have and be entitled to all and every the same rights of appeal, under the same restrictions, conditions and limitations as in
30 other cases of decrees on Civil Bills, as by the Acts in force relating to Civil Bill Courts are provided for or given to defendants.

- AND whereas by the said Act of the fifty-eighth year of the reign of his said late Majesty King GEORGE the Third, it is enacted, that in all cases where any process upon any Civil Bill is thereby directed to
35 be served upon any person, or to be affixed as therein mentioned, the said process shall be so served or affixed Thirty clear Days at the least previous to the day therein named for hearing and determining upon such Civil Bill: AND whereas such last mentioned provision has been found to be in many cases inconvenient, and it is expedient
40 that the same should be altered or modified; BE it therefore further Enacted and Declared, That from and after the passing of this Act, in all proceedings to be had or taken under the said Acts of the fifty-sixth

51.

So much of Civil Bill Acts as require Oaths to be taken every Sessions repealed, and an Affidavit substituted.

52.

Appeal given to the Landlord under 56 G. 3.

53.

CLAUSE (C.) 56 & 58 G. 3, and 1 G. 4, amended, as relates to serving or affixing Processes on Civil Bills.

and fifty-eighth years of his late Majesty King GEORGE the Third, and the first year of his late Majesty King GEORGE the Fourth, or this Act, where it would by virtue of the said recited Acts or any of them, be necessary to serve or affix any such process as aforesaid Thirty clear Days at the least previous to the day therein named for hearing and determining upon such Civil Bill, the serving or affixing such process in manner in the said recited Act mentioned Fifteen clear Days at the least previous to the day therein named for hearing and determining upon such Civil Bill shall be to all intents and purposes good, valid and sufficient.

54.
Civil Bill
Court to have
Jurisdiction if
one Defendant
reside in the
County.

AND whereas doubts are entertained respecting the jurisdiction of the Assistant Barrister in cases where one or more of the defendants in an action resides or reside out of the county wherein such action is brought; BE it therefore Enacted, That if one or more defendant or defendants resides or reside in the county in which a Civil Bill shall be brought, the Assistant Barrister may make a decree against him or them, though another or other defendant or defendants may reside out of the jurisdiction of such Barrister.

55.
Grand Jury of
county of
Cork to pro-
vide for sala-
ries of Criers
at Sessions in
each Riding,
4 Geo. 4. c. 43.

AND whereas by an Act passed in the fourth year of the reign of his late Majesty King GEORGE the Fourth, intituled, " An Act to regulate the amount of Presentments by Grand Juries for payment of the Public Officers of the several Counties in *Ireland*," a salary of Thirty Pounds of the late currency of *Ireland* is provided for the Crier at Sessions in and for the county of *Cork*, which said county has been since divided into two Ridings for the purpose of having separate and distinct Sessions in each of the said Ridings, but no provision was then made respecting the said salary of Thirty Pounds; BE it therefore Enacted, That it shall and may be lawful for the Grand Jury of the county of *Cork*, and such Grand Jury are hereby required to present, to be raised off the respective portions of the said county constituting the said East Riding and West Riding, in lieu of the said annual sum of Thirty Pounds, the two several sums of Fifteen Pounds yearly as and for the salary of each of the Criers at Sessions in the said two Ridings, and that all enactments in the said last-mentioned Act relative to the salaries of Criers at Sessions shall extend to the said two salaries of Fifteen Pounds each, in like manner as if the same had been embodied in this present Act.

56.
General Orders
to be made.

And be it Enacted, That it shall and may be lawful for the Assistant Barristers in *Ireland* for the time being, or the majority of them, by and with the advice and consent of the Attorney General and Solicitor General of *Ireland* for the time being, and they are hereby required to make and issue such General Orders as they shall think fit for regulating the forms and manner of proceeding in the Civil Bill Courts in *Ireland*, and for the settling and ascertaining the fees to be allowed to Attornies

on

on proceedings by Civil Bill in cases where such fees are not specified or regulated by this Act or any Act heretofore made and provided, and for carrying the provisions of this Act into execution, and for simplifying, establishing and settling the course of practice in the said Courts, or any
 5 of them, and from time to time to annul, alter or vary any order or orders so as aforesaid made, and to make any new general order or orders for the like purpose; and copies of all such orders shall be transmitted to the Clerks of the Peace of the respective counties in *Ireland*, to be by them kept and preserved in their offices, and there to remain open at all times
 10 to public inspection; and such orders shall have the same effect and be as binding as if they were contained in this Act.

AND whereas it would facilitate the administration of justice, if a sufficient number of places were appointed for hearing and determining causes by Civil Bill, and transacting criminal and other business at a
 15 General or Quarter Session of the Peace; BE it therefore further Enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor of *Ireland* for the time being, from time to time, by and with the consent and advice of the Privy Council, to divide the several counties in *Ireland*, or any of them, or any riding or division of a county, into as
 20 many districts as shall be thought proper or expedient for the purpose of more conveniently hearing and determining causes by Civil Bill, and of transacting all such criminal and other business as may be cognizable or determinable at any General or Quarter Sessions of the Peace, and to appoint one or more convenient town or place, towns or places in any
 25 such district in which a Civil Bill Court and a court for transacting such criminal and other business as aforesaid shall be held; and every such district shall be distinguished by the name of such town or place, and every such session and adjournment thereof shall be good and effectual for the administration of criminal business and Civil Bill cases, and
 30 doing all other business that may by law be done at the General Quarter Sessions of the Peace; and the Grand Juries of the several counties in which such districts shall be situated, shall and they are hereby required to present such sums as may be necessary for building or repairing Sessions Houses in such towns or places, and for paying the
 35 rent or hire of convenient places for holding such Sessions until such Sessions Houses in such towns or places shall be built, and for the payment of Salaries to Criers of such Courts, in the same manner as they are empowered and required to present for such building and repairs and hire or rent and salaries by the said Act of the fifty-
 40 sixth year of the reign of his Majesty King GEORGE the Third, or any other Act now in force; and the Assistant Barristers and Justices of the Peace of such several counties shall have the same power in all respects of hiring such place or places for holding Sessions, as is given to them by such recited Act in relation to the places thereby directed to be provided for holding sessions.

57.
 Power to ap-
 point ad-
 ditional places
 for holding
 Sessions.

58.

Assistant Barristers to appoint times for holding Sessions in such additional places.

And be it further Enacted, That the Assistant Barristers of the several counties in *Ireland* shall at the Sessions by law appointed for fixing the times for holding the Sessions, fix the times for holding the Sessions at any additional place or places, which shall be as near to the time for holding the other Sessions as can conveniently be appointed by the Clerk of the Peace, who shall notify the time for holding such additional Sessions in the same manner as he is now required to notify the time for holding the Quarter Sessions and other Sessions of the Peace.

5

59.

Lord Lieutenant may direct Sessions to be held Four times in every year in any town.

And be it Enacted, That from and after the commencement of this Act, it shall and may be lawful for the Lord Lieutenant or other Chief Governor of *Ireland* for the time being, by and with the advice of the Privy Council, to direct that a General Session of the Peace and Civil Bill Court shall be held Four times in every year in all or any of the towns appointed for holding Sessions ; and the Lord Lieutenant or other Chief Governor of *Ireland* for the time being shall nominate and appoint the baronies or half baronies or parishes for which respectively such Sessions shall be held.

10

15

60.

If Act brought in a superior Court which might have been brought in a Civil Bill Court, Plaintiff shall only be entitled to Civil Bill Costs.

And be it Enacted, That if from and after the commencement of this Act any action or proceeding shall be brought in any of His Majesty's Superior Courts of Record at *Dublin*, for any cause for which proceedings might have been taken by Civil Bill before any Assistant Barrister, then and in such case the Plaintiff shall only be entitled to Civil Bill costs, unless the Defendant in such action shall have consented by a memorandum signed by him or his Attorney to the action or proceedings being brought in one of the Superior Courts, or unless the Judge or Court before whom such action shall be tried or judgment given shall certify that such action or proceeding was properly brought in such Superior Court.

20

25

61.

Perjury.

And be it Enacted, That if any person taking an Oath or making a Declaration or Affirmation in any action, examination or other proceeding under the provisions of this Act, shall wilfully and corruptly swear, declare or affirm falsely, he shall be deemed guilty of Perjury, and shall be liable to be prosecuted and punished accordingly ; and if in any such action, examination or other proceeding, the Assistant Barrister shall deem any witness or party to have so far wilfully and corruptly sworn, declared or affirmed falsely, as that, in his opinion, such witness or party ought to be prosecuted at the expense of the county within which the witness or party shall have so sworn or affirmed or declared, and shall certify such opinion in writing, then and in every such case, if any prosecution takes place, the Court in which such prosecution shall take place shall make an order for payment of the expenses of such prosecution by the Treasurer of the County.

30

35

40

And

And be it Enacted, That all Acts heretofore passed and now in force, relating to Civil Bill Courts, shall remain in full force and effect, except so far as the same, or any part thereof respectively are or is hereby expressly varied.

Former Acts
to remain in
force.

5 And be it further Enacted, That in any case where the decree of any Civil Bill Court may be set up as a defence to any action in any Superior Court, it shall not be incumbent on the party to plead such decree specially, but it shall be lawful for him to plead generally, and to give the decree in evidence as special matter.

Decree of
Civil Bill
Court may be
given in evi-
dence under a
plea of the
General Issue.

10 And be it Enacted, That on the First day of December next, and on the First day of December One thousand eight hundred and Thirty-nine, and on the First day of December in every subsequent third year, the Lord High Chancellor or Lords Commissioners or Lord Keeper of the Seals for the time being in *Ireland*, or the Chief Justice
15 of the Court of King's Bench or Common Pleas in *Ireland*, and every Assistant Barrister in *Ireland*, shall meet in some place to be appointed for that purpose in *Dublin*, and shall then and there decide by ballot the particular county or district which each Assistant Barrister shall attend for the ensuing three years; and the Lord Chancellor or
20 Judge who shall be present at every such meeting shall superintend the same, and the drawing of the balloting papers, and shall enter in a book to be kept for that purpose the particular county or district which shall have fallen to the lot of each Assistant Barrister to attend, and no alteration or change shall afterwards be made therein: Provided
25 nevertheless, That in case of the unavoidable absence of any Assistant Barrister from illness or other sufficient cause, it shall be lawful for any other Barrister present at such meeting to draw for the Barrister so absent.

Assistant
Barristers to
ballot for
Counties.

And be it further Enacted, That every Assistant Barrister shall be
30 *ex officio* the Chairman of the Court of Quarter Sessions for the County to which he shall for the time being attend.

CLAUSE (D.)
Assistant
Barrister to be
Chairman.

And be it Enacted, That in the construction of this Act all and every the powers and authorities conferred on Assistant Barristers in *Ireland* shall and may be exercised and performed in the County of *Dublin*
35 by the Chairman of the Sessions of the Peace for the County of *Dublin*, and in the City of *Dublin* by the Recorder of the City; and so far as relates to the several matters and things to be done by or within the jurisdiction of the Chairman of the County of *Dublin*, or of the Recorder of the City of *Dublin*, the several proceedings and duties hereby directed to be had and done in the office of and by the Clerk of the
40 Peace shall be had and done in the office of and by the Register of the Chairman of the County of *Dublin*, and in the office of and by

Interpretation
Clause.

the Clerk or Register of Civil Bills for the City of *Dublin*; and the provisions of this Act in relation thereto shall extend to such Register of the Chairman of the County of *Dublin* and to such Clerk or Register of Civil Bills; and wherever the Clerk of the Peace is named in this Act, the provision shall extend to the acting or Deputy Clerk of the Peace or other officer discharging the duties of a Clerk of the Peace under the Civil Bill Acts; and that the words " Party and Person," whenever used in this Act, shall extend to and include any corporation, and that all words importing the singular number or masculine gender shall be construed to extend to and include many persons as well as one person, and females as well as males, unless there be something in the context or provision repugnant to or inconsistent with such construction.

67.

Commence-
ment of this
Act.

And be it Enacted, That this Act shall commence and take effect from and after the First day of November One thousand eight hundred and Thirty-six.

68.

Act may be
repealed or
amended this
Session.

And be it Enacted, That this Act may be repealed, altered or amended in this present Session of Parliament.

SCHEDULES

To which the foregoing ACT refers.

FIRST SCHEDULE.

FORM of CIVIL BILL to be served upon the Defendant pursuant to this Act.

By the Assistant Barrister at the Sessions for the said County.

County of	A. B. of	}	in the County of	THE Defendant is hereby required personally to appear before the said Assistant Barrister, at	
Division of	[addition of Plaintiff.]		on the	day of	to answer the
To wit.	Plaintiff.		Plaintiff's Bill for	[state the cause of Action]	or in default
	Defendant.		thereof, the said Assistant Barrister will proceed as to		

justice shall appertain. Dated this day of One thousand eight hundred and

[Signed by [or, on behalf of] the Plaintiff.]

FORM of a DECREE for RECOVERY of LANDS.

By the Assistant Barrister at the Sessions for said County.

County of	A. B. Plaintiff.	}	C. D. Defendant.	IT appearing to the Court that Plaintiff caused a Civil Bill to be brought against Defendant for recovery of [here state the cause of Action, as in Civil Bill] and it appearing to the Court that the Plaintiff is entitled to the said
Division of				

To wit. It is therefore ordered and decreed by the Court, that the Plaintiff do recover from the Defendant the said

together with costs; and the Sheriff for the said County of is hereby commanded to take possession of the said and deliver up the same to the Plaintiff; and the said Sheriff or the Bailiff for the said County is and are hereby commanded to take in execution the body or goods of the said Defendant to satisfy the said costs. Dated this day of One thousand eight hundred and

Attorney for the Plaintiff.
Clerk of the Peace.
Assistant Barrister.

[Assistant Barrister's Warrant to be added.]

ORDER of REPLEVIN.

THE Sheriff of the County of _____ is hereby required, without delay, to cause to be replevied to A. B. (if he shall give sufficient security) the goods and chattels which C. D. unjustly detains. Signed the _____ day of _____ One thousand eight hundred and Thirty-

Y. Z.

Clerk of the Peace for the said County of _____

FORM of a DECREE for Payment of DAMAGES for improper DISTRESS.

By the Assistant Barrister at the Sessions for said County.

County of _____
Division of _____
To wit.

Plaintiff. } IT appearing to the Court that Plaintiff caused a Civil Bill to
Defendant. } be brought against the Defendant for recovery of damages on account of the goods and chattels of the Plaintiff having been improperly distrained by the Defendant; and it appearing to the Court that the Distress in dispute was improperly made, or that the amount due at the time of the distress with reasonable costs of distress had been duly tendered: It is therefore ordered and decreed by the Court, That the Plaintiff do recover from Defendant the Sum of _____ for Damages and Costs; and the Bailiffs for the said County are hereby commanded, to take in execution the body or goods of the said Defendant to satisfy the same. Dated this _____ day of _____ One thousand eight hundred

Attorney for Plaintiff.

Clerk of the Peace for said County.

Assistant Barrister for said County.

[Assistant Barrister's Warrant to be added.]

FORM of a DECREE for DEFENDANT in case of DISTRESS.

County of _____
Division of _____
To wit.

Plaintiff. } BY the Assistant Barrister at the Sessions for the said
Defendant. } County.

IT appearing to the Court, that Plaintiff caused a Civil Bill to be brought against the Defendant for recovery of damages on account of the goods and chattels of the Plaintiff having been improperly distrained, and it appearing to the Court that the distress in dispute was not improperly made: It is therefore Ordered and Decreed by the Court, That the Defendant do recover from the Plaintiff the Sum of _____ for Rent due and _____ for Costs; and the Bailiffs for the said County are hereby commanded to take in execution the body or goods of the said Plaintiff to satisfy the same. Dated this _____ day of _____ One thousand eight hundred and

Attorney for Defendant.

Clerk of the Peace for said County.

Assistant Barrister for said County.

[Assistant Barrister's Warrant to be added.]

FORM of REPLEVIN BOND.

County of _____ KNOW all Men by these Presents, That We, *A. B.* of
 Division of _____ (tenant) and *C. D.* and *E. F.* (sureties) are and each
 To wit. _____ of us is jointly and severally held and firmly bound to *Y. Z.* Sheriff of the
 County of _____ in the Sum of _____ of lawful British money;
 to be paid to the said Sheriff, or his certain Attorney, executors, administrators
 or assigns, for which payment well and truly to be made, we bind ourselves,
 our heirs, executors and administrators, and each and every of us binds him-
 self, his heirs, executors and administrators, firmly by these presents. Sealed
 with our seals and dated this _____ day of _____ One thousand
 eight hundred and Thirty-

The condition of the above-written obligation is such that if the above
 bounden *A. B.* do prosecute his suit against *G. H.* of

_____ in the Court of the Assistant Barrister for the said
 County of _____ at the Sessions which will be held for the said
 County in the month of _____ next, for the taking and unjustly
 detaining of his goods and chattels, to wit, [*specify the goods and chattels*]
 or do return all the said goods and chattels to the said *G. H.* his exe-
 cutors or administrators, then the above-written obligation shall be void,
 otherwise the same shall be and remain in full force and virtue.

FORM of a DECREE for PAYMENT of a LEGACY.

County of _____ By the Assistant Barrister at the Sessions for said County.
 Division of _____ *A.B.* Plaintiff. } IT appearing to the Court that Plaintiff caused a Civil Bill
 To wit. *C.D.* Defendant. } to be brought against Defendant, as executor of *A. B.* for
 recovery of the sum of [*here state the cause of Action, as in*
Civil Bill]; and it appearing to the Court that _____ is due to the
 Plaintiff for his Legacy; and that the Defendant ought to pay the same and
 the Costs of this Civil Bill [*or, part of same, as the case may be*]: It is therefore
 ordered and decreed by the Court, That the Plaintiff do recover from De-
 fendant the said sum of _____ together with
 Costs; and the Bailiffs for the said county are hereby commanded, to take in
 execution the body or goods of the said Defendant, to satisfy the said Debt
 and Costs.
 Dated this _____ day of _____ One thousand eight
 hundred and _____
 Legacy
 Costs
 Warrant

Attorney for the Plaintiff.
 Clerk of the Peace for said County.
 Assistant Barrister for said County.

[Assistant Barrister's Warrant to be added.]

FORM of a DECREE for Payment of a distributive Portion of the Assets
of an INTESTATE.

By the Assistant Barrister at the Sessions for said County.

County of
Division of
To wit.

Plaintiff.

Defendant.

} IT appearing to the Court that Plaintiff caused a Civil
Bill to be brought against the Defendant for recovery of the
Sum of _____ for his

distributive portion as one of the Next of Kin, of the Assets of
of _____ who died intestate; and it appearing to the Court
that the Plaintiff is one of the Next of Kin of the said
and entitled to

and that the Defendant is the Administrator of the said
and that the Defendant has in his hands, of the Assets of the said

a Sum sufficient to pay the Plaintiff's Demand, [*or, part of*
same, as the case may be]: It is therefore ordered and decreed by the Court,
That the Plaintiff do recover from Defendant the said Sum of

together with _____ Costs; and the Bailiffs
for the said county are hereby commanded to take in execution the body
or goods of the said Defendant to satisfy the said Debt and Costs.—Dated
this _____ day of _____

One thousand eight hundred

Distribution Share, £.

Costs

Warrant

Attorney for Plaintiff.

Clerk of the Peace for said County.

Assistant Barrister for said County.

[Assistant Barrister's Warrant to be added.]

37

FORM of a DISMISS of a CIVIL BILL.

By the Assistant Barrister at the Sessions for said County.

No. Defendant. } IT appearing to the Court, that the Plaintiff
 Plaintiff. } caused the Defendant to be served with Process
 County of to appear here this present Session for [*here state the cause of Action*
 Division of *from the Civil Bill*]; and that the Plaintiff hath failed to prove his said de-
 To wit. mand, [*or, right, as the case may be*]: It is therefore decreed by the Court,
 That the Plaintiff's Bill be and the same is hereby dismissed, and that the
 Defendant do recover against the Plaintiff the Sum of for
 Costs; and the Bailiffs for the said county are hereby commanded to take
 in execution the Plaintiff's body or goods to satisfy the said Costs.—Dated
 this day of One
 thousand eight hundred
 Costs, £.
 Warrant

Attorney for Defendant.
 Clerk of the Peace for said County.
 Assistant Barrister.

FORM of ASSISTANT BARRISTER'S WARRANT.

County of I AUTHORIZE and empower the Bailiffs of this County to execute the
 Division of above Decree. Given under my hand and seal, this day of
 To wit. One thousand eight hundred
 Assistant Barrister of said County. [Seal.]

SECOND SCHEDULE,

Containing a LIST of the FEES to be paid to the ASSISTANT BARRISTERS, CLERKS of the PEACE, ATTORNIES, SHERIFFS, REPLEVINGERS and BAILIFFS, for the discharge of the several Duties in this Schedule specified.

	£.	s.	d.
TO the Plaintiff's Attorney, for drawing or signing Civil Bill - - -	-	-	6
To the Plaintiff's Attorney, for attending and taking instructions for hearing, directing the necessary proofs, entering the Civil Bill, and attending the hearing, (except in Ejectment, Replevin and Legacy Cases) - - -	-	3	6
To the Defendant's Attorney, for the like, and entering Defence - - -	-	3	6
To the Plaintiff's Attorney, for attending and taking instructions for hearing, directing the necessary proofs, and attending the hearing of Ejectment Cases under this Act - - -	-	10	6
To the Defendant's Attorney, for attending and taking instructions for hearing, directing the necessary proofs, and attending the hearing of Ejectment Cases under this Act - - -	-	10	6
To the Plaintiff's Attorney, for attending and taking instructions in Replevin Cases under this Act, and attending the hearing thereof, where the amount of Rent distrained for shall not exceed the sum of 20 <i>l.</i> - - -	-	7	6
To the Plaintiff's Attorney, for attending and taking instructions in Replevin Cases under this Act, and attending the hearing thereof, where the amount distrained for shall exceed the sum of 20 <i>l.</i> - - -	1	1	-
To the Defendant's Attorney, for attending and taking instructions in Replevin Cases under this Act, and attending the hearing thereof, where the amount distrained for shall not exceed the annual sum of 20 <i>l.</i> - - -	-	7	6
To the Defendant's Attorney, for like, where the amount shall exceed 20 <i>l.</i> - - -	1	1	-
To the Plaintiff's Attorney, for attending the hearing of Cases relating to Legacies and distribution of Intestate's Effects - - -	-	5	-
To Defendant's Attorney, for the like - - -	-	5	-
To the Plaintiff's Attorney, for attending and taking instructions and attending hearing in any case for recovery of a penalty - - -	1	1	-
To Defendant's Attorney, for the like - - -	1	1	-
To the Plaintiff's Attorney, for drawing up and signing any Decree or Renewal - - -	-	1	-
To the Defendant's Attorney, for drawing up and signing any Dismiss or Renewal - - -	-	1	-
To the Clerk of the Peace, for entering any Civil Bill - - -	-	-	3
To the same, for signing any Decree or Dismiss - - -	-	-	3
To the same, for signing and entering any Renewal - - -	-	-	4
To the same, for any Recognizance of Bail and Certificate of Appeal lodged, and entering the Appeal with Judges' Register - - -	-	1	-
To the same, for issuing Order to Replevin and entering Civil Bill thereon, and in lieu of all Charges relating to the Proceedings in Replevin Cases under this Act - - -	-	1	6
To same for each Copy of any Inventory of Assets lodged with him, and attesting same, per folio of 90 words - - -	-	-	4
To the same, for entering any Verdict of a Jury - - -	-	1	-
To the Assistant Barrister, for signing any Decree or Dismiss (except Ejectment and Replevin Cases and Cases relating to Legacies and distribution of Intestates' Effects) - - -	-	1	-
To same, for signing Decree or Dismiss in Ejectment and Replevin Cases and Cases relating to Legacies and distribution of Intestates' Effects - - -	-	5	-

	£.	s.	d.
To the same, for signing a Renewal of any Decree or Dismiss, and Affidavit to ground same - - - - -	-	1	-
To the Sheriff, for giving the possession to any Party under a Civil Bill Ejectment Decree - - - - -	-	5	-
To the Sheriff, or his Replevin, in drawing Affidavit of the value of goods distrained, and taking any Recognizance in Replevin cases under this Act, and in full of all Charges for any duties to be discharged by him relating thereto - - - - -	-	3	4
To the Bailiffs, to be appointed pursuant to this Act, for executing any Decree or Order - - - - -	-	2	6
And 3 d. in the Pound on the Amount recovered under such Execution.			
To the Sheriff, for summoning a Jury - - - - -	-	1	-

Civil Bill Courts (Ireland.)

A

B I L L

[AS AMENDED ON BY THE COMMITTEE]

To extend the Jurisdiction and regulate the
Proceedings of the Civil Bill Courts in
Ireland.

*(Prepared and brought in by
Mr. Lynch, Mr. Sergeant Woulfe and
Mr. Morgan John O'Connell.)*

*Ordered, by The House of Commons, to be Printed,
30 March 1836.*



A

B I L L

For the Relief of Persons elected to Municipal Offices, and entertaining conscientious Objections to subscribe the Declaration provided and enjoined by an Act made in the Ninth Year of King GEORGE the Fourth, “for repealing so much of several Acts as imposes the necessity for receiving the Sacrament of the Lord’s Supper as a Qualification for certain Offices and Employments.”

WHEREAS, in consequence of the conscientious scruples of certain religious bodies in this Country, the Declaration prescribed by an Act of the ninth year of the reign of King GEORGE the Fourth, intituled, “An Act for repealing so much of several Acts as imposes the necessity of receiving the Sacrament of the Lord’s Supper as a Qualification for certain Offices and Employments on accepting Office in Municipal Corporations,” operates as a practical grievance, and to a certain extent as a disfranchisement of persons under the influence of those scruples, to the manifest detriment of themselves and their fellow subjects:

Preamble.

And whereas no mischief or inconvenience is likely to arise from affording such relief in relation to these matters as is herein-after mentioned;

BE it therefore Enacted, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT instead of the Declaration required to be subscribed in the recited Act of the ninth year of King GEORGE the Fourth, as well as by an Act of the fifth and sixth years of His present Majesty, intituled, “An Act for the Regulation of Municipal Corporations in *England* and *Wales*,” the following Declaration shall be made by persons entertaining those religious scruples

scruples on accepting office in Municipal Corporations, as Mayor, Aldermen, or Councillors :

Declaration.

“ I, *A. B.* (having religious scruples against subscribing the Declaration contained in the ninth *GEORGE* the Fourth, chapter seventeen), do solemnly, sincerely and truly declare and affirm, That I will not exercise any power or authority or influence which I may possess by virtue of the office of _____ to injure or weaken the Protestant Church, as it is by law established in *England*, nor to disturb the said Church, or the Bishops and Clergy of the said Church, in the possession of any right or privileges to which such Church or the said Bishops and Clergy may be by law entitled.”

Of the same force as the Declaration in 9 Geo. 4.

And be it further Enacted, That such Affirmation or Declaration shall be of the same force and effect as if the persons making it had made or subscribed the Declaration aforesaid, as contained in the said recited Acts of the ninth year of the reign of King *GEORGE* the Fourth, and the fifth and sixth years of the reign of His present Majesty.

Civil Offices Declarations.

B I L L

A

For the Relief of Persons elected to Municipal Offices, and entertaining conscientious Objections to subscribe the Declaration provided and enjoined by an Act made in the Ninth Year of King *GEORGE* the Fourth, “ for repealing so much of several Acts as imposes the necessity for receiving the Sacrament of the Lord’s Supper as a Qualification for certain Offices and Employments.”

(Prepared and brought in by
Mr. Baines and Dr. Lushington.)

*Ordered, by The House of Commons, to be Printed,
24 March 1836.*



A

B I L L

To repeal so much of an Act of the Twenty-Eighth Year of King GEORGE the Third, as prevents more than Five Persons joining in the Coal Trade.

WHEREAS by an Act passed in the twenty-eighth year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act to indemnify and save harmless all Persons who may have incurred Penalties or Forfeitures under an Act passed in the ninth year of the reign of Queen ANNE, intituled, "An Act to dissolve the present and prevent the future Combination of Coal Owners, Lightermen, Masters of Ships and others to advance the Price of Coals in prejudice of the Navigation, Trade and Manufactures of this Kingdom, and for the further Encouragement of the Coal Trade;" and also an Act passed in the third year of the reign of his late Majesty King GEORGE the Second, intituled, "An Act for the better Regulation of the Coal Trade, and for the better preventing of Combinations in the Trade of Coals," it was; amongst other things, enacted, that "from and after the First day of June One thousand seven hundred and Eighty-eight, any number of Persons united in covenants or Partnerships, or in any way whatsoever, consisting of more than Five Persons, for the purchasing of Coals for sale, or for making regulations with respect to the manner of carrying on the said Trade in Coals, shall be deemed and adjudged to be an unlawful Combination to advance the price of Coals, and every Person concerned therein shall be liable to be punished by indictment or information for the same in His Majesty's Court of King's Bench at *Westminster*:" And whereas the restriction

Preamble :
28 Geo. 3.

in regard to the number of Persons united in Partnership to carry on the Trade in Coals is injurious to the Public, by preventing the employment of large joint capital in the said Trade ;

May it therefore please Your MAJESTY,

That it may be Enacted, ~~And be it Enacted~~, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said Act, so far as the same is hereinbefore recited and set forth, shall be and the same is hereby Repealed.

1.
Repeal of
Provision in
recited Act.

2.
Act to be
deemed a
Public Act.

And be it further Enacted, That this Act shall be deemed and taken to be a Public Act ; and shall be judicially taken notice of as such, by all Judges, Justices and others, without being specially pleaded.

10

Coal Trade.

A

B I L L

To repeal so much of an Act of the Twenty-eighth Year of King GEORGE the Third, as prevents more than Five Persons joining in the Coal Trade.

(Prepared and brought in by
Mr. Hume and Mr. Watson.)

Ordered, by The House of Commons, to be Printed,
29 July 1836.



(Ireland.)

A

B I L L

To enable Tenants holding under the Provost and Fellows of Trinity College, Dublin, and the Trustees of Sir Erasmus Smith's Schools, and Sir Patrick Dunne's Hospital, to acquire Estates in Fee or for Terms of Nine hundred and ninety-nine Years on certain conditions, subject to Perpetual Rents, and to enable the said Provost and Fellows and Trustees to create such Estates.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH^{EREAS} by an Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland," certain Commissioners were appointed for the execution

Preamble:

3 & 4 Gul. 4.
c. 37. Church
Temporalities
Act.

5 of the said Act:

And whereas large tracts of Land and other Hereditaments are held under leases for short terms, renewable on variable Fines, under the Provost and Fellows of Trinity College, Dublin, and under the Trustees of a certain Charity called "Sir Erasmus Smith's Schools,"
10 and under the Trustees of a certain other Charity called "Sir Patrick Dunne's Hospital:"

And whereas it is expedient that the Tenants or Lessees of such Lands and Hereditaments should be enabled to acquire Estates in fee-simple or for terms of nine hundred and ninety-nine years therein,
15 subject only to perpetual rents, variable according to the average price of corn, and to further conditional penal rents, to be payable only in case such perpetual rents shall not be punctually paid as hereinafter mentioned:

And whereas it is expedient that provision should be made for enabling the said Provost, Fellows and Trustees to create such Estates, and that the said Commissioners should be appointed Commissioners for the execution of this Act;

1.
Commis-
sioners of the
Church Tem-
poralities Act
to be Com-
missioners of
this Act.

BE it therefore Enacted, by The KING's most Excellent MAJESTY, 5
by and with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the Authority of the same, THAT from and after the *passing of*
this Act, the said Commissioners for the execution of the said recited
Act shall be and they are hereby constituted Commissioners for the 10
execution of this Act.

2.
Tenants
under Pro-
vost and
Fellows or
Trustees to
apply for a
perpetuity in
Lands by
Notice to the
Commis-
sioners.

And be it Enacted, That from and after the *passing of this Act*, it
shall and may be lawful for any Tenant or Tenants, Lessee or Lessees
holding, or who shall hold under or by virtue of any lease or con-
tract for a term of years, or for a term of years and lives, or for lives, 15
or for any other term or interest immediately from and under the
Provost and Fellows of Trinity College, Dublin, or the Trustees of
Sir Erasmus Smith's Schools, or the Trustees of Sir Patrick Dunne's
Hospital, any Lands or Hereditaments belonging to the said Provost
and Fellows, or to the said Trustees of either of the said Charities, 20
to acquire Estates in fee-simple or for terms of nine hundred and
ninety-nine years, at the option of such Tenants or Lessees, in such
Lands or Hereditaments, in the manner and subject to the perpetual
annual rents, and to the further conditional penal rents, and subject
to the provisoes, restrictions, regulations and conditions hereinafter 25
mentioned; (that is to say) that it shall and may be lawful for any
such Tenant or Lessee, by notice in writing under his hand, to notify
to the said Commissioners and to the said Provost and Fellows or
Trustees, as the case may be, under whom such Lands or Heredita-
ments are or shall be held, that he, such Tenant or Lessee, is ready 30
and willing to acquire an Estate in fee-simple or for a term of nine
hundred and ninety-nine years, as the case may be, in the said Lands
or Hereditaments, in the manner and pursuant to the provisions of
this Act; and that thereupon the said Commissioners shall and may
and they are hereby authorized and required to ascertain the annual 35
rents or rent now thereby reserved or customarily payable by virtue
of such lease or contract out of the said Lands or Hereditaments,
and the amount of the sum or sums of money theretofore paid or
agreed to be paid as and for the fine or fines and fees for renewal of
any such lease or interest of and in the said Lands or Hereditaments 40
in the case of leases usually renewed every or every alternate or
every third year, for and during the period of *Seven Years* next
preceding the service of such notice, and in case of leases usually
renewed at longer intervals, and in the case of leases for lives for
and during such period as shall include the three last previous
occasions

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occasions of such renewal; and such Provost and Fellows and Trustees, as the case may be, under whom the said Lands or Hereditaments shall be held as aforesaid, shall, upon being thereto required by the said Commissioners, by writing, certify to the said Commissioners by
 5 writing under the seal of the said Provost and Fellows, or under the hands and seals of the said Trustees, the amount of such annual rent, and every such fine or fines and fees so paid or agreed to be paid, or usually paid or payable as aforesaid, for and during such period as aforesaid; and that it shall and may be lawful for the said Commis-
 10 sioners, and they are hereby empowered if they shall so think fit, or shall be required by requisition under the seal of the said Provost and Fellows, or under the hands and seals of the said Trustees, or Tenant or Tenants, Lessee or Lessees, to issue a Commission under their seal to inquire into and ascertain the amount of such annual rent, and
 15 such renewal fine or fines and fees as aforesaid, so paid or payable, or agreed to be paid, or usually paid or payable as aforesaid, for and during the period aforesaid, which Commission shall issue in the same manner and subject to the like rules and regulations, with the like powers as is and are in and by the said recited Act provided with
 20 respect to Commissions directed to be issued for inquiring into the annual value of ecclesiastical benefices.

Provided always, and be it Enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered and directed in each and every case in which they shall proceed to
 25 ascertain the amount of the annual rent or rents reserved and payable out of the Lands or Hereditaments in which the Tenant, Lessee or Assignee thereof shall be desirous to acquire an Estate in fee-simple or for a term of nine hundred and ninety-nine years as aforesaid, to inquire and ascertain whether any and what addition has been made to
 30 the rent or rents reserved and payable to the said Provost and Fellows and Trustees respectively, out of the said Lands or Hereditaments, since the day of ; and in case it shall appear that the said yearly rent or rents has or have been increased since such period, and that such increase has been made in consequence of the
 35 change of the liability to the payment of the Composition for Tithes, then and in every such case the said Commissioners shall separate the sum or sums which shall so appear to have been added on the aforesaid account, to the yearly rent or rents theretofore usually reserved and payable out of such Lands or Hereditaments, and shall not include
 40 such additional sum or rent in the calculation of the perpetual rent to be reserved in respect of such customary rent in any lease or conveyance of such Lands or Hereditaments to be executed pursuant to this Act, and the said Commissioners shall ascertain by reference to the lease or contract made next before the reservation of such additional sum or rent, the annual and customary rent or rents (penal rents, or

3.
 Commissioners in as-
 certaining
 amount of
 annual Rent
 shall not in-
 clude any
 Sum added
 thereto since
 the
 day of

sums in the nature of penal rents excepted), reserved and payable out of the said Lands or Hereditaments, and such annual and customary rent or rents so ascertained shall be deemed and taken to be the customary annual rent reserved and payable out of such Lands or Hereditaments, and the amount of such customary annual rent, when ascertained by any of the ways and means aforesaid, shall be the amount of the annual perpetual rent to be thereafter reserved and made payable in respect of the accustomed rent out of the said Lands or Hereditaments to the said Provost or Fellows or Trustees and their successors respectively, in and by the deed of conveyance or lease hereinafter mentioned, subject only to such approval as hereinafter mentioned, and to such variation as may be made in the amount thereof according to the price of wheat or oats in any period of *Seven Years*, according to the provisions hereinafter mentioned.

4.
Provision for
ascertaining
the amount of
Renewal
Fines in cer-
tain cases.

Provided always, and be it Enacted, That whenever it shall appear that such renewal fines and fees have not been regularly paid during any such period as aforesaid, it shall and may be lawful for the said Commissioners under this Act, and they are hereby empowered and directed by all or any of the ways or means aforesaid, to ascertain the amount of the annual or other renewal fine or fines and fees which have been paid, agreed to be paid or payable, or which ought to have been paid in respect of the said Lands or Hereditaments for and during such period as aforesaid, according to the theretofore accustomed mode of renewing such lease or interest, and to take and estimate accordingly the yearly average of such annual or other fine or fines, and if it shall happen that no fine or fines have been paid or payable for renewing any such lease or interest as aforesaid, for any such period, or any part of such period preceding the service of such notice as aforesaid, that then and in every such case it shall be lawful for the said Commissioners to take and estimate the yearly average of such renewal fines and fees according to such proportion of the improved yearly value, as may by the custom pursued by the said Provost and Fellows and Trustees respectively, under which the said Lands or Hereditaments are held, have determined the amount of fines payable in respect of Lands or Hereditaments held thereunder by like tenure and demise (such improved yearly value to be ascertained by all such ways and means as the said Commissioners shall think fit, or by the issuing of a Commission as last aforesaid, and subject to the like rules and regulations as such Commission last aforesaid), or by reference to all the circumstances of the case, and to the amount of the Tenant's beneficial interest in such Lands and Premises according to their discretion, to fix, ascertain and determine the yearly average of such renewal fines and fees.

5.
Fines to be
computed on
average
duration of
Lives.

Provided, and be it further Enacted, That in the case of leases for lives the said Commissioners under this Act shall compute the yearly

yearly average of the renewal fines and fees in such manner as to them shall seem just with reference to the average duration of lives and beneficial interests.

And be it further Enacted, That when such fine or fines and fees shall have been ascertained in any of the ways or means aforesaid, it shall and may be lawful for the said Commissioners and they are hereby directed to take and estimate the yearly average of the renewal fine or fines theretofore paid or agreed to be paid or payable as aforesaid, which yearly average of the said fine or fines and fees, when so ascertained as aforesaid, shall be the amount of the annual perpetual rent to be reserved and made payable out of such lands or hereditaments in respect of fines and fees to the said Provost and Fellows and Trustees respectively, and their respective successors in and by the conveyance or lease hereinafter mentioned, subject only to such approval as hereinafter mentioned, and to such variation as may be made in the amount thereof according to the price of wheat or oats in any period of *Seven Years*, according to the provision hereinafter contained.

6.
Commissioners to estimate the average of renewal Fines, and to declare the amount thereof to be the amount of the new perpetual Rent, to be reserved in respect of Fines.

And be it further Enacted, That when and so soon as the said two respective perpetual annual rents so to be thereafter reserved and made payable in respect of accustomed rent and of fines and fees respectively out of the said Lands or Hereditaments to such Provost and Fellows and Trustees respectively, and their respective successors, shall have been ascertained and determined by the said Commissioners by any of the ways or means hereinbefore mentioned, the said Commissioners shall and they are hereby directed to notify, by notice in writing to the said Provost and Fellows or Trustees, as the case may be, under whom the said Lands or Hereditaments are or shall be held as aforesaid, and to the said Tenant or Lessee who shall have applied to acquire an Estate in fee-simple or for a term of nine hundred and ninety-nine years therein as aforesaid, the amount of the said two several perpetual annual rents so ascertained to be thereafter reserved as aforesaid, together with the amount of *Ten Pounds* per centum on the aggregate of the said two last-mentioned rents, being the amount of the conditional penal rent to be reserved as hereinafter mentioned in the conveyance or lease of the said Lands or Hereditaments to be executed as hereinafter mentioned: Provided always, That in each and every case in which an Estate in fee-simple or for a term of nine hundred and ninety-nine years shall be sought to be acquired under the provisions of this Act before any conveyance or lease shall be executed as hereinafter mentioned, the said Commissioners shall and they are hereby required to notify in writing to the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being in council, the terms and particulars of such proposed conveyance or lease; and the annual rents to be thereafter reserved from and out

7.
Notice to be given to Provost, &c., by Commissioners.

Terms of acquiring perpetuities to be subject to approval of the Lord Lieutenant.

of the said Lands or Hereditaments, together with the amount of the annual accustomed rent and the average annual fine for renewal theretofore payable in respect of the said Lands or Hereditaments and ascertained as aforesaid, and no such conveyance or lease shall be executed until the said Lord Lieutenant or other Chief Governor or 5
Governors of Ireland in council shall signify his approval of the said terms.

8.

On ascertaining amount of Rents to be reserved, the Commissioners shall grant a Certificate to the Tenant, and thereupon a Conveyance or Lease to be executed.

And be it further Enacted, That whenever the amounts of the two several perpetual annual rents, and of the conditional penal rent so to be thereafter reserved and made payable for and out of the 10
said Lands and Premises to the said Provost and Fellows and Trustees respectively, and their respective successors, as the case may be, shall have been ascertained and determined on by any of the ways and means aforesaid, it shall and may be lawful for the said Commissioners, and they are hereby directed, if so required by such Tenant or Lessee, 15
Tenants or Lessees, by writing under his or their hand or hands, so to do, to grant to such Tenant or Lessee, Tenants or Lessees, a certificate under their seal, stating the amount of the said several perpetual and conditional penal rents to be reserved and made payable in and by the said deed or deeds of conveyance or leases or lease hereinafter 20
mentioned, and on the production by the said Tenant or Lessee to the said Provost and Fellows or Trustees, as the case may be, of the said notice or certificate so delivered by the said Commissioners as aforesaid, specifying the amount of such several rents to be reserved and made payable in and by the said conveyance or lease, such 25
Provost and Fellows and Trustees, as the case may be, are respectively hereby required and directed to execute, seal and deliver a deed of conveyance of the fee-simple and inheritance, or a lease for a term of nine hundred and ninety-nine years, at the option of such Tenant or Lessee of the said Lands or Hereditaments, to such 30
Tenant or Lessee when the same shall be tendered for execution, subject to the said two several perpetual rents so ascertained as aforesaid, and to a further penal rent to the amount of *Ten* Pounds per centum per annum on the aggregate amount of such two first mentioned rents, but which penal rent shall be reserved payable 35
only when and so often as any part of either of the said two first mentioned rents shall be in arrear or unpaid on the gale day next after the gale day on which the said two first mentioned rents accrued due, and if the said Provost and Fellows or Trustees, as the case may be, shall, on the production of such notice or certificate as aforesaid, refuse or neglect to execute such deed of conveyance or lease, when tendered for execution as aforesaid, for the 40
space of *Two* calendar Months after such tender shall have been made as aforesaid then, upon satisfactory proof being made to the said Commissioners of such refusal or neglect by affidavit to be
sworn

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sworn before any Judge, Surrogate, Vicar-General, Master or Master Extraordinary in Chancery or Justice of the Peace, which affidavit or oath they are hereby respectively empowered to take or administer, or upon oath of a credible witness to be examined by the

5 said Commissioners, it shall and may be lawful for the said Commissioners, and they are hereby empowered and required to execute, seal and deliver the said deed or deeds of conveyance or lease or leases in the name of and on behalf of the said Provost and Fellows or Trustees so refusing or neglecting to execute the same as afore-

10 said, and to affix the corporate seal of the said Commissioners to such deed or deeds or lease or leases, and to certify the cause of their so executing the same by writing at the foot of or on the back of the said deed or deeds or lease or leases, and such execution of the said deed or deeds or lease or leases by the said Com-

15 missioners shall be as valid and effectual to all intents and purposes whatsoever as if the said deed or deeds or lease or leases had been duly executed by the said Provost and Fellows or Trustees in pursuance of this Act.

Provided always, and be it further Enacted, That the recitals in any

20 such deed of conveyance or lease shall for all purposes whatever be deemed conclusive evidence of the truth of the facts therein stated.

9.
Recitals in
Deeds of
Conveyance
conclusive.

Provided always, and be it Enacted, That the whole of the perpetual annual rent which shall in any case be reserved and accrued

25 due under the provisions of this Act, out of any Lands or Hereditaments in respect of accustomed rent, together with a proportionate part of the said penal rent which shall accrue due and be payable and shall be received, shall be and the same is hereby required and directed to be applicable to the same uses and for the same intents, ends

30 and purposes to and for which such accustomed rent was heretofore applicable; and that the whole of the said rent which shall in any case be reserved and accrue due under the provisions of this Act in respect of renewal fines or fees, together with a proportionate part of the said penal rent which shall accrue due and be payable and

35 shall be received, shall be and the same are hereby required and directed to be applicable to the same uses and for the same intents, ends and purposes to and for which such fines or fees were heretofore applicable.

10.
Application of
Rents, &c.

Provided always, and be it further Enacted, That the said Commissioners shall and they are hereby directed, at the request of either

40 party, to insert or cause to be inserted in each and every the said deed or deeds of conveyance, or leases or lease, a statement of the average price of wheat or oats (whichever of the two they shall con-

11.
The average
price of Corn
for Ten Years
previous, to
be inserted
in the Con-
veyance.

sider as the corn principally grown in the county or district where such Lands are situate) for the period of *Ten* Years immediately preceding the *First* day of *May* next, before the service of such notice by such Tenant or Lessee as aforesaid, calculated upon the returns advertised in the Dublin Gazette during such period of *Ten* 5 Years, which average price the said Commissioners are hereby required and empowered to calculate and ascertain from such returns as aforesaid.

12.

A counterpart to be executed and delivered to the Provost, &c.

Provided always, and be it further Enacted, That the said Tenant or Lessee so acquiring an Estate in fee-simple of or for a term of 10 nine hundred and ninety-nine years in any Lands or Hereditaments as aforesaid, shall seal and deliver a counterpart or counterparts of such deed or deeds of conveyance or leases or lease, one part whereof shall be delivered to the said Provost and Fellows or Trustees, as the case may be, to whom respectively the said annual rents shall 15 be so reserved and made payable as aforesaid.

13.

Deeds and Certificate to be enrolled.

And provided also, and be it further Enacted, That the said Provost and Fellows or Trustees, as the case may be, shall in every case of such conveyance or lease being executed cause such deed or deeds of conveyance or leases or lease to be enrolled in the Rolls Office 20 of the High Court of Chancery in Ireland (for which enrolment a fee of *Two Shillings and Sixpence* only shall be demanded or paid), and the said Commissioners shall in every such case cause a certificate specifying the amount of the annual accustomed rent and of the average renewal fine theretofore paid or payable on the several 25 occasions of renewing the lease in the said Lands or Hereditaments during such period as aforesaid, to be enrolled in the Rolls Office of the High Court of Chancery in Ireland, along with and annexed to the enrolment of the said deed or deeds or lease or leases, an attested and compared copy of which certificate, when enrolled in the said 30 Rolls Office as aforesaid, shall be and be deemed and taken to be conclusive evidence of the truth of the several matters and things therein contained as aforesaid.

14.

Tenants not entitled to perpetuity, unless in possession of fully renewed Leases, or unless all Renewal Fines are paid.

Provided always, and be it Enacted, That no Tenant or Lessee as aforesaid shall be entitled to have any such conveyance of the fee- 35 simple or any lease for a term of nine hundred and ninety-nine years, to be made or granted to him or her of whose lease, if holding by lease for the term of *Twenty-one* Years, *Twenty* Years shall not be then to come and unexpired, or if holding by lease for the term of *Forty* Years whereof *Thirty-nine* Years shall not be then to come 40 and unexpired, or if holding by lease for *Twenty-one* Years or *Three* Lives, or for *Three* Lives, all the lives named wherein shall not be then in being, unless he or she shall, previous to the execution of such deed of conveyance or lease, pay all and every the renewal fines

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finest customably paid or payable on and for the renewal of such lease, nor shall any such Tenant or Lessee be entitled to such conveyance of the fee-simple or to such lease for a term of nine hundred and ninety-nine years; unless all rent and arrears of rent due upon and reserved by such lease shall have been fully paid and satisfied.

Arrears of
Rent to be
also paid up.

15.

Applications
may be made
every Seven
Years for
variation of
new reserved
Rent, accord-
ing to increase
or decrease in
price of Corn.

And be it further Enacted, That it shall and may be lawful for such Provost and Fellows or Trustees to whom, or such Tenants or Lessees so acquiring, an Estate in fee or for a term of nine hundred and ninety-nine years, his heirs, executors or administrators, or appointees or assigns by whom the rents reserved by the said deed of conveyance or lease shall be payable, to make an application in writing to the said Commissioners at any time within *Four Months* after the expiration of *Seven Years*, to be computed from the *First* day of *May* next preceding the execution of such deed of conveyance or lease as aforesaid, and in like manner at any time within *Four Months* after the expiration of every subsequent period of *Seven Years*, such periods to be computed each from the termination of the preceding period, during the continuance of such grant or term as aforesaid, signifying the desire of such Provost and Fellows; or Trustees, or Tenant or Lessee, his heirs, executors or administrators, or appointees or assigns, to have the average price of wheat or oats for the *Seven Years* preceding inquired of and ascertained, in order that the annual rent reserved in and made payable by such deed of conveyance or lease may be varied or increased or diminished for the ensuing *Seven Years*, in proportion to such average price, of which application due notice in writing shall be given to such Provost and Fellows or Trustees, or Tenant or Lessee, his heirs, executors or administrators, or appointees or assigns as aforesaid, as the case may require, and thereupon in each and every of such cases it shall and may be lawful for the said Commissioners to ascertain the average price of wheat or oats for the term of *Seven Years* next preceding the *First* day of *May* next, before such application or the service of such notice, and for that purpose to nominate and appoint a person to be arbitrator for ascertaining the same accordingly, and such arbitrator is hereby authorized and required, from the *Dublin Gazette*, to ascertain the price of a barrel of wheat or oats, upon the average of such term of *Seven Years* preceding, and to state and set forth such average price by his report in writing, under his hand, to be delivered to the said Commissioners; and if it shall appear that the average price of wheat (when wheat shall be taken as the measure of such rent) or that the average price of oats (when oats shall be taken as the measure of such rent) for such *Seven Years* preceding, is more or less by *One-tenth* than the average price thereof set forth in the deed or deeds of conveyance, or lease or leases, then and in such case the amount of such two several annual rents to be paid out of or in respect of the said Lands or Hereditaments to such

Provost and Fellows or Trustees, as the case may be, shall be increased or diminished by the said Commissioners in such manner and to such extent that the amount of such two several annual rents payable for and during the next ensuing *Seven Years* shall bear the like proportion to the respective amounts of the annual rents reserved and made payable out of the said Lands or Hereditaments in such original deed of conveyance or lease as the average price of wheat or oats, ascertained at the time of such application, shall bear to the average price thereof set forth in such original deed of conveyance, or lease, and the said Commissioners under this Act shall thereupon, for the purpose of enrolment as hereinafter mentioned, execute a certificate under their seal setting forth the amount of such revised or new annual rents to be paid and payable out of the said Lands or Hereditaments to such Provost and Fellows or Trustees, as the case may be, and cause notice of or a copy of the said certificate to be given to or served upon such Provost and Fellows or Trustees and person who shall have acquired an Estate in fee-simple, or for a term of nine hundred and ninety-nine years in the said Lands or Hereditaments, or to the person or persons who shall have become possessed of his or their estate or interest therein, and shall also cause such certificate to be enrolled in the Rolls Office of the High Court of Chancery along with and annexed to the enrolment of such deed of conveyance or lease, and a copy of such enrolment duly compared and attested shall be conclusive evidence of the amount of such revised and new annual rents, and such revised and new annual rents shall be paid to and received by such Provost and Fellows or Trustees, as the case may be, for *Seven Years* from and after the *First* day of *May* next, before the service of such notice, and until such revised and new annual rents shall afterwards upon a like application be again varied and ascertained according to the average price of wheat or oats during the term of *Seven Years* then last past ; and the several parties aforesaid are hereby respectively authorized to make such further application from time to time after the expiration of every *Seven Years* during the continuance of such grant or term in such and the like manner and form as hereinbefore directed with respect to the first application, and the costs, charges and expenses of every such application, and of varying and reascertaining the amount of such annual rent shall be defrayed by the person or persons who shall make such application as aforesaid, and any such revised and new annual rents shall, during the period when it shall be so in force, stand in the place of the said original rents reserved and made payable out of the said Lands or Hereditaments, upon such conveyance of the said Lands or Hereditaments, and shall be paid and recoverable, and charged and chargeable upon the said Lands or Hereditaments, and the party entitled to the said Estate in fee-simple or for a term of nine hundred and ninety-nine years therein, his heirs, executors or administrators or appointees or assigns, in like manner as the said original

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original rents reserved in and by such deed of conveyance or lease and subject to the same regulations and the several clauses and provisions hereof, shall in every such case apply as fully and effectually to any such revised and new annual rents, to all intents and purposes as if such revised and new annual rents were the annual rents originally reserved in and by the deed or deeds of conveyance or lease or leases of the said Lands or Hereditaments : Provided always, That the said rents so reserved by such original deed of conveyance or lease shall continue to be used as the standard, by reference to which, together with the original price of wheat or oats, the rent is from time to time to be varied as aforesaid : Provided also, That in case such Provost and Fellows or Trustees, Tenant, Assignee or Owner of such Lands or Hereditaments who would respectively be entitled to receive or liable to pay such revised or new annual rents as aforesaid, shall be dissatisfied with or dispute the amount of the average price of corn so ascertained as aforesaid, or the amount of any such revised and new annual rents ascertained as aforesaid, it shall be lawful for such Provost and Fellows or Trustees, Tenant, Assignee or Owner of such Lands or Hereditaments, within *One* calendar Month after being served with such notice as aforesaid, to apply by petition to such Court in such manner and under and subject to such regulations and provisions as hereinafter mentioned with respect to disputes between superior and under Tenants or Lessees, and if the amounts of such revised and new annual rents shall be varied by the said Court upon such petition from the amounts thereof ascertained by the said Commissioners, then the amounts thereof so ascertained and adjudged by the said Court shall be the annual rents of the said Lands and Premises for such period as aforesaid, and subject to the provisions and regulations aforesaid, as to such revised and new annual rents and shall be inserted in such certificate to be enrolled as aforesaid, instead of the revised and new annual rents ascertained by the said Commissioners as aforesaid, and stand in the place of the same to all intents and purposes ; provided that any party or person so petitioning and failing in such petition shall pay all the costs in relation thereto.

And be it Enacted, That in all cases of applications for the acquisition of an Estate in fee or for a term of nine hundred and ninety-nine years in any Lands or Hereditaments under this Act, the applicant shall deposit or secure in such manner as the said Commissioners shall appoint, such sum of money as the said Commissioners shall think necessary to defray the expenses which the said Commissioners may incur in ascertaining the terms on which such Estate shall be acquired, and such expenses as aforesaid shall be deducted from and out of the money so deposited or secured, and the surplus, if any, refunded to such applicant.

16.
On application to acquire perpetuities, applicant to deposit a sum to defray expenses of ascertaining Terms.

17.
Remedies for
recovery of
reserved
Rents.

And be it further Enacted, That the said two several annual rents so reserved and made payable by any such Tenant or Lessee or Grantee, out of or in respect of any such Lands or Hereditaments; together with the said conditional penal rent, when the same shall be payable in any such deed or deeds of conveyance, or lease or leases, and every such revised and new annual rents as aforesaid, shall be recovered and recoverable by such Provost and Fellows or Trustees and their respective successors, as the case may be, by all or any of the ways, means or remedies, which, according to any law or statute now in force in Ireland, or hereafter to be made, is or are or shall be provided for the recovery of any rent service upon any lease for life or for years executed by any landlord or person seised in fee-simple and subject to all the like rules and regulations by statute or otherwise, any law, usage or custom to the contrary notwithstanding: Provided always, That if in any action of ejectment to be brought on account of the non-payment of any such annual rents, pursuant to the statutes in force in Ireland as to non-payment of rent, judgment shall be had and given for the plaintiff in such action, and execution shall have been executed, and such Tenant, Lessee or Grantee who shall have so acquired an Estate in fee-simple or for a term of nine hundred and ninety-nine years, as aforesaid, of and in such Lands or Hereditaments, his assignee or assignees, or the person or persons who shall be then entitled to his estate or interest therein, shall not, within *Six* Months from the time of such execution executed, do such act or acts or take such proceedings as are or shall be by law necessary for the redemption of the said Lands or Hereditaments from the said judgment and execution, pursuant to the said statutes, then and in every such case it shall and may be lawful for any tenant, under-tenant or owner of any derivative lease, estate or interest in the said Lands or Hereditaments, his assignee or assignees, within *Nine* Months after such execution executed, to do such act or acts or take such proceedings for the redemption of the said Lands or Tenements from the said judgment and execution, and for obtaining relief in respect of the same, as under the said recited statutes any mortgagee of a lease might do or take for the redemption of the said lease or his estate or interest therein, from any judgment and execution in any action of ejectment for non-payment of rent, pursuant to the said statutes, and for obtaining relief in respect of the same, and with the like effect to all intents and purposes; and after such redemption the sum or sums of money so paid or advanced for or on account of such redemption and the costs thereof, shall be and be deemed a lien and charge upon such estate or interest of such Tenant or person so failing or neglecting to pay the same, or to take such proceedings for such redemption as aforesaid, and shall be payable with interest to such person who shall have so paid or advanced such sum or sums or obtained such redemption, or the same

same shall be recoverable by him (at his election) from such person so failing or neglecting as aforesaid, in and by any action of debt.

18.

Upon application of Owner, the Provost, &c. may apportion the yearly Rent then charged on Lands, on parts of such Lands only.

And be it further Enacted, That it shall and may be lawful for any Owner or Lessee, his heirs, executors or administrators or appointees or assigns, at any time after the *passing of this Act*, upon a division of the Lands or Premises held by him or them, either by sale or otherwise, (except by lease or demise at rack-rent), to make an application in writing to the said Provost and Fellows or Trustees, under whom he or they shall then hold the said Lands or Hereditaments, signifying the desire of such applicant, that the yearly rents then charged or to be charged on the said Lands or Hereditaments, by such deed of conveyance or lease as aforesaid, shall be divided and apportioned upon parts of the said Lands or Hereditaments only, and thereupon in each and every such case such Provost and Fellows or Trustees, as the case may be, shall and they are hereby authorized and required to divide or apportion the whole or any part of the said yearly rents as aforesaid in such manner and proportions as by such application may be required, regard being had to the security of the several parts or proportions of the said yearly rents; and in case of any disagreement in respect of such apportionment, then the same shall be made by one or more valutors, to be in all cases nominated by the said Commissioners; and the expense of such apportionment shall be in all cases defrayed by the party applying for the same; and such Provost and Fellows or Trustees, or in case of such disagreement as aforesaid, such valuator or valutors shall declare what parts and proportions of the said yearly rents respectively shall in future be severally charged upon any part or parts of the said Lands and Hereditaments, and shall state the names and denominations, the number of acres and the metes and bounds of each portion, and the amount of rent to be reserved and made payable out of each such portion respectively; and after every such apportionment the yearly rents or sums so apportioned shall be reserved and be made and be payable in such parts and proportions, and chargeable only upon such proportions of the said Lands or Hereditaments as shall be so declared to be liable to the payment thereof respectively; and in case the said apportionment shall be made before the execution of a conveyance of the fee-simple or of a lease for nine hundred and ninety-nine years pursuant to this Act, then and in every such case it shall and may be lawful for such Provost and Fellows or Trustees or Commissioners to execute separate conveyances or leases in the manner hereinbefore directed for executing conveyances and leases of each such part or proportion of the said Lands or Hereditaments, subject only to the proportionate rents payable in respect thereof; and in case a conveyance or lease shall have been made or executed by such Provost and Fellows or Trustees or the said Commissioners of the said Lands or Heredita-

ments; then and in every such case the said Provost and Fellows or Trustees or the said Commissioners shall execute under his or their respective seal a certificate setting forth the said apportionment and the amounts of the rents to be charged or chargeable upon each portion of the said Lands or Hereditaments, and shall cause the same to be enrolled in the Rolls Office of the High Court of Chancery along with and annexed to the enrolment of the deed of conveyance or lease of such Lands or Hereditaments as aforesaid; and after such enrolment of such certificate the said Lands or Hereditaments shall thenceforward stand and be charged and chargeable with the said yearly rents in such parts and proportions only and in such manner as shall be specified in such certificate, and a copy of such enrolment, duly compared and attested, shall be conclusive evidence of the amount of rents with which each respective portion of the said lands and premises stands charged and chargeable.

19.

Lands comprised in new Conveyances or Leases, to be settled to former uses.

And be it further Enacted, That immediately upon the execution of such deed of conveyance or lease as aforesaid of the said Lands or Hereditaments under the provisions of this Act, the said Lands or Hereditaments in the said deed of conveyance or lease mentioned, and the estates or interests thereby so granted or created shall thereupon respectively go to and be vested in, settled upon and enjoyed by the same person or persons for the like estate, estates or interests, and to and upon the same uses, trusts, intents and purposes respectively, or as near thereto as the nature of each case and the difference of interest will admit, as the said Lands or Hereditaments stood, settled or limited to, for or upon, or such of them as at the time of making such conveyance or lease shall be existing undetermined and capable of taking effect: Provided always, That the execution of such deed of conveyance or lease as aforesaid shall operate as and be and be deemed to be to all intents and purposes a surrender of all and every the then previously subsisting term or terms of years, estate or interest in the said Lands or Hereditaments derived from or under such Provost and Fellows or Trustees, as the case may be, and the same and every of them shall thenceforth cease, determine, and be for ever extinguished.

20.

Tenant acquiring perpetuity shall renew to inferior Tenants, when bound by toties quoties covenant.

And be it further Enacted, That whenever any such Tenant or Lessee who shall have acquired as aforesaid an Estate in fee-simple or for a term of nine hundred and ninety-nine years in such Lands or Hereditaments previously held by him as immediate and superior Tenant under such Provost and Fellows or Trustees, shall by virtue of any lease, covenant or contract theretofore made or entered into, be bound to renew to any other person or persons any lease of any such Lands or Hereditaments either as often as such Provost and Fellows or Trustees respectively shall renew the lease of such Lands

or

79

or Hereditaments to him such immediate superior Tenant, or in any other manner, then and in every such case the conveyance of the fee-simple, or the creation of a term of nine hundred and ninety-nine years as aforesaid, of and in the said Lands or Hereditaments as aforesaid to such immediate and superior Tenant (or the payment from time to time of the annual rents out of the said Lands or Hereditaments to the said Provost and Fellows or Trustees respectively) shall (so long as the said estate or interest thereby granted shall continue) in all Courts of Law and Equity, and to all intents and purposes whatsoever, as to such under Tenant or inferior Tenant, or person or persons having any such derivative estate or interest, and being entitled to the benefit of such covenant or contract for renewal, and as to all other derivative estates or interests in the said Lands or Hereditaments dependent upon such covenant, contract or agreement for renewal, be and be deemed, taken and construed to be a renewal, by such Provost and Fellows or Trustees from time to time of the lease of such immediate and superior Tenant for the purposes of and within the true intent and meaning of such covenant, contract or agreement for renewal as aforesaid.

And be it further Enacted, That when the fine to be paid upon the execution of any such renewal as before mentioned shall have been by such covenant, contract or agreement for renewal, agreed to be a certain or ascertained proportion of or dependent upon the amount of the renewal fine to be paid by the immediate superior Tenant of such Lands to such Provost and Fellows or Trustees as aforesaid, then and in such case, upon and after the acquisition of such Estate in fee-simple or for a term of nine hundred and ninety-nine years in the said Lands or Hereditaments as aforesaid, the amount of such proportion of such renewal fine payable by such under or inferior Tenant shall be ascertained by reference to the amount of the average renewal fine payable previously to the said acquisition of the said Estate, as appearing in the certificate of the said Commissioners enrolled in the Rolls Office of the Court of Chancery as aforesaid, ascertaining the amount of the average renewal fine payable by the immediate superior Tenant of the said Lands previously to such acquisition of the said Estate in fee-simple or for a term of nine hundred and ninety-nine years therein as aforesaid, and in no other manner whatsoever.

21.

Fines payable
by inferior
Tenants, how
ascertained.

Provided always, and be it further Enacted, That such fine to be paid upon the execution of any such renewal as aforesaid shall be subject to such variation as may be made in the amount thereof according to the price of wheat or oats in any period of *Seven Years* according to the provisions hereinbefore contained, such variation to be applied for and ascertained in the like manner, and subject to like

22.

Fine for
Renewal to
be ascertained
according to
average price
of Wheat or
Oats.

regulations so far as the same are applicable as hercinbefore provided in respect of the variation of the new rents to be reserved under this Act.

23.
Disputes
between
superior
Tenants and
others, how
to be deter-
mined.

And be it further Enacted, That it shall and may be lawful for any such immediate superior Tenant of the said Lands under such Pro-
vost and Fellows or Trustees, as the case may be, or for any under
or inferior Tenant, or other person as aforesaid having or claiming any
derivative estate or interest in any of the said Lands or Heredita-
ments immediately or mediately from, through or under such superior
Tenant, under or by virtue of any lease or contract containing a
covenant or agreement for renewal, in case any dispute or difference
shall arise between them or any of them respectively, as to the variation
of any fine as hereinbefore provided, according to the price of wheat
or oats, to present a petition to the High Court of Chancery or Court
of Exchequer in Ireland, stating the premises respectively, as the
case may be, and praying the proper or necessary relief in relation to
the said matter; whereupon it shall and may be lawful for such Court,
without requiring proof of any notice of such petition being given to
or served upon any person or persons, to make an order, referring the
matter of such petition to one of the Masters of the Court of Chan-
cery, or to the Chief Remembrancer of the Court of Exchequer, as
the case may be, directing such Master or Chief Remembrancer to
inquire and report concerning the said matter as such Court shall
direct, and thereupon it shall and may be lawful for the said Master
or Chief Remembrancer, as the case may be, to summon before him
any of the said parties, or any person or persons, and to examine
him or them upon oath respecting such matter so referred to him, and
upon appearance of or proof of service of notice of such petition and
order upon any such person or persons to be affected by such petition,
to inquire and make his report concerning the said matter so referred
to him, as in other cases of references to any such Master or Chief
Remembrancer, under the orders of such respective Courts, to which
report of such Master or Chief Remembrancer it shall be lawful
for any of the said parties to the said petition, or to be affected by it,
to take an exception or exceptions as in other cases of exceptions
taken to any reports of such Master or Chief Remembrancer, and
upon the hearing of such report, when not excepted to or upon the
hearing of such exceptions to such report, when any such shall have
been taken thereto, it shall and may be lawful for such Court to make
such order in relation to the said matter as the said Court shall think
fit, and such order of such Court shall be final and conclusive, and
without any appeal therefrom; and the said Court may order the
costs of any such proceedings in relation to the said petition to be
paid by or to any of the said parties respectively, as the said Court
shall think fit, which said order or orders shall and may be served
either in the manner hereinafter provided, or in such other manner as
the said Court shall think fit to direct.

And

Persons having derivative Estates, and failing to obey order, shall forfeit right of renewal.

And be it further Enacted, That if any such person or persons having or claiming any such derivative estate or interest in such Lands or Hereditaments by virtue of any lease or contract containing any such covenant or agreement for renewal, who, being so served with
 5 any such order of such Court as aforesaid, shall neglect or refuse to comply with the terms of such order for or during the period of *Three* calendar Months from the time of the service of such order as aforesaid, every such person so neglecting or refusing to comply with such order as aforesaid, his, her or their heirs, executors, administrators
 10 and assigns, and all other persons claiming under him, or claiming any benefit or interest under any such respective lease or contract containing such covenant or agreement for renewal, shall for ever thereafter be barred of and from all right, benefit and advantage in law or equity in, of and from such covenant or agreement for renewal,
 15 or to obtain any new lease of the said Lands and Hereditaments respectively; and every such person or persons, his or their heirs, executors, administrators and assigns, and all persons claiming any benefit of such respective covenant or agreement for renewal, shall be thenceforth for ever barred from all relief in any Court of law or
 20 equity in respect of any such covenant or agreement for renewal: Provided always, That any such order of any such Court as aforesaid shall and may be enforced by any of the ways or means by which any order pronounced by such Court in any suit in equity upon a Bill filed may be enforced, save only as against any person or persons
 25 who, being entitled to any such derivative estate or interest as aforesaid, shall have, by notice in writing, declined or refused to take or accept any renewal of such estate or interest.

Provision for cases of incapacitated persons and those under disability.

And be it further Enacted, That it shall and may be lawful for all bodies politic, corporate and collegiate, corporations aggregate or sole, and all guilds, fraternities and brotherhoods, whether
 30 corporate or not corporate, and all trustees for charities or other public purposes, and all joint stock companies who are or shall be possessed of any estate or interest in any such Lands or Hereditaments belonging to the said Provost and Fellows or Trustees respectively,
 35 and also for any committee or curator of any idiot or lunatic, or of any person non compos mentis, and for any guardian of any infant, or for any person authorized to act for any incapacitated person (which idiot, lunatic, non compos mentis, infant or incapacitated person shall be possessed of or entitled to any estate or interest
 40 in any of the said Lands or Hereditaments in the same manner as such persons might have done if not under any incapacity,) and also for all Trustees of any such Lands or Hereditaments on behalf of the persons for whom they shall be Trustees, and also for all persons having a limited interest in possession in any of such Lands or Hereditaments as Tenants for life, or such like limited estate, to make, do or

execute all matters, acts and things necessary or proper for the due compliance with the provisions or executing the powers hereof in any respect as to any such Lands in the same or in like manner, as nearly as the nature of each case will admit, as fully and effectually to all intents and purposes, and subject to all the same rules and regulations as under the provisions hereof any person of full age being solely or absolutely possessed of or entitled for his own use to any lease of any such Lands, or any derivative estate or interest therein, might or could make, do or execute the same or any of them under the provisions of this Act; and that whenever in any of the provisions of this Act relating to any such Lands in describing any Tenant, Landlord or other person, a word importing the singular number or the masculine gender only be used, the same shall be understood to include and be applied to several persons as well as one person, and females as well as males, and to such bodies politic, corporate or collegiate as aforesaid, and to such corporations, aggregate or sole, guilds, fraternities or brotherhoods, corporate or not corporate, trustees for charities or other public purposes, and trustees for any person or persons as well as to individuals; and that the word "Landlord" shall extend as well to any person or persons, body corporate, politic or collegiate, or other body of persons entitled to receive any rent out of any such Lands or Hereditaments, as to persons usually or legally designated by such word; and that the word "Tenant" shall extend as well to any person or persons, body politic, corporate or collegiate, or other body of persons who shall be bound to pay any rent out of any of such Lands or Hereditaments as to persons usually or legally designated by such word, unless in any of the foregoing cases there be something in the subject or context repugnant to such construction.

Definition of
terms in this
Act.

26.

Provost, &c.
in any Lease
made after
passing of this
Act, shall
reserve former
annual Rent,
only exclud-
ing any sum
added thereto
since
day of

And be it further Enacted, That it shall and may be lawful for the said Provost and Fellows and Trustees respectively in any lease or demise of any Lands or Hereditaments to be made by them respectively after the *passing of this Act*, to separate any additional rent or sum reserved in consequence of the change in the liability to the payment of composition for tithes in any lease or demise of any such Lands or Hereditaments made by him or them since the day of from the former and customary annual rent or rents theretofore reserved and payable out of such Lands or Hereditaments, and to reserve such former and customary annual rent or rents in any new lease or demise to be made thereof by him or them after the *passing of this Act*.

27.

No Lease
made by the
Provost, &c.
after the
passing of this
Act, shall be
deemed a

And be it further Enacted, That no lease or demise of any Lands or Hereditaments to be made by the said Provost and Fellows and Trustees respectively after the *passing of this Act*, shall be deemed or taken to be a letting, setting or demising of any Lands

or

or Hereditaments within the meaning of an Act passed in the second and third years of the reign of His Majesty King WILLIAM the Fourth, intituled, "An Act to amend three Acts passed respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, providing for the establishing of Composition for Tithes in Ireland, and to make such Compositions permanent so as to entitle the Lessee or Tenant thereof to hold the said Lands or Hereditaments free from the payment of Tithes or Composition for Tithes."

Lease within the meaning of 2 & 3 W. 4. c. 119, so as to entitle Tenant to hold Lands tithe free.

And be it further Enacted, That whenever any notice required to be given by this Act, or whenever any service of any order or other proceeding of any Court which shall be required or be necessary for carrying into effect any of the provisions of this Act, cannot be given or delivered to, or cannot be effected upon the party or person or persons to or for whom such notice is directed or intended, or upon whom such service is to be effected, it shall be sufficient for the party or person obliged to give such notice or effect such service to leave such notice, or a copy of such order or proceeding at the last or most usual place of abode of such party or person or persons to or upon whom such notice is to be given or service effected if the same shall be within Ireland, and if the same shall not be within Ireland then to serve such notice or such copy upon the agent or receiver of the rents of such party or person or persons, and if such agent or receiver cannot be discovered, then it shall be sufficient to publish such notice or to give notice of such order or proceeding by publishing notice thereof *Three* times in the Dublin Gazette, and also to give such notice to or make such service upon any principal occupier of any of the said Lands and Premises respectively to which such notice, order or proceeding shall relate.

28.
Notices under this Act, how to be served.

And be it further Enacted, That the said Commissioners shall have power and authority and are hereby empowered and authorized, from time to time, to administer an oath to any person or persons who shall at any time give them information, or be examined of or concerning any matter or thing relating to the execution of this Act, or any way concerning the several powers and trusts in them hereby reposed and the due execution thereof.

29.
Power of Commissioners to examine on oath.

And be it further Enacted, That this Act may be altered, amended or repealed by any Act or Acts to be made in this present Session of Parliament.

30.
Act may be altered.

College Lands (Ireland.)

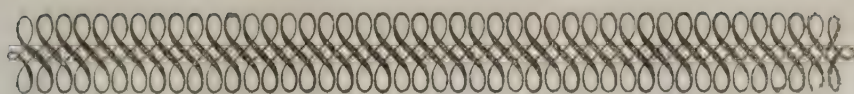
A

B I L L

To enable Tenants holding under the Provost and Fellows of Trinity College, Dublin, and the Trustees of Sir Erasmus Smith's Schools, and Sir Patrick Dunne's Hospital, to acquire Estates in Fee or for Terms of Nine hundred and ninety-nine Years on certain conditions, subject to Perpetual Rents, and to enable the said Provost and Fellows and Trustees to create such Estates.

(Prepared and brought in by
Mr. French and Mr. Omsby Gore.)

*Ordered, by The House of Commons, to be Printed,
12 August 1836.*



A

B I L L

To abolish the Commissary Court of Edinburgh, and to regulate the Mode of taking Proofs in Consistorial Causes in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS an Act was passed in the first year of the reign of His present Majesty, intituled, “An Act for uniting the benefits of Jury Trial in Civil Causes, with the ordinary Jurisdiction of the Court of Session, and for making certain other alterations and reductions in the Judicial Establishments of Scotland,” whereby various alterations and reductions were made in the Consistorial Court of Scotland, with a view to the abolition of the said Court, and the transference of the remaining jurisdiction thereof to the Sheriff of the county of Edinburgh: And whereas it is expedient that the remaining Jurisdiction of the Commissary Court of Edinburgh should be abolished, and the mode of taking proofs in Consistorial Causes should be regulated;

Preamble:
1 W. 4. c. 69

BE it therefore Enacted, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT the said Commissary Court of Edinburgh shall be and the same is hereby abolished, and the whole remaining powers and jurisdiction of the said Court (except in so far as regards their taking proofs in Consistorial Causes in virtue of the said recited Act) shall be and the same are hereby transferred to the Sheriff Depute of the county of Edinburgh, who shall possess and exercise such powers and jurisdiction in all respects; and the whole clauses, powers and provisions of an Act passed in the fourth year of the reign of his late Majesty King GEORGE the Fourth, intituled, “An Act for the regulation of the Court of the Commissaries of Edinburgh, and for altering and regulating the Jurisdiction of the Inferior

1.
Commissary Court abolished and duties of Commissioners transferred to Sheriff of Edinburgh.

4 G. 4. c. 97.

Commissaries in Scotland," shall apply to the Sheriffdom of the county of Edinburgh, and to the Clerks and Officers of the said Commissary Court, in the same way as such provisions apply to the other Sheriffdoms of Scotland: Provided always, That the salaries of the existing Commissaries of the said Commissary Court shall be saved and reserved to each of them during their several lives; provided further, that such salary or salaries shall be accounted pro tanto of any subsequent salary to which any of the said Commissaries may hereafter acquire right by virtue of his or their appointment to any other public office. 5 10

2.
Judges may
appoint Com-
missaries to
take proof.

And be it Enacted, That it shall be competent to the Judge or Judges who may order proofs to be taken in Consistorial Causes, to appoint Commissioners for taking such proofs in common form.

3.
Commence-
ment of Act.

And be it Enacted, That this Act shall commence and take effect from and after the *First day of November One thousand eight hundred and Thirty-six.* 15

4.
Act may be
amended.

And be it Enacted, That this Act may be amended or altered by any Act to be passed during the present Session of Parliament.

Commissary Court, Edinburgh.

B I L L

To abolish the Commissary Court of Edinburgh, and to regulate the Mode of taking Proofs in Consistorial Causes in Scotland.

(Prepared and brought in by
The Lord Advocate, Mr. Attorney General,
and Mr. Robert Stewart.)

Ordered, by The House of Commons, to be Printed,
26 February 1836.



82a

A

B I L L

To enable His Majesty to make Regulations for the better defining and establishing the Powers and Jurisdiction of His Majesty's Consuls in the Ottoman Dominions.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by the Treaties and Capitulations subsisting between His Majesty and the Sublime Ottoman Porte, full and entire Jurisdiction and Control over British Subjects within the Ottoman Dominions, in matters in which such British Subjects are exclusively concerned, is conferred upon the British Ambassadors and Consuls appointed to reside within the said Dominions : AND whereas it is expedient for the protection of British Subjects within the Dominions of the Sublime Porte, in Europe, Asia and Africa, and likewise in the States of Barbary, as well as for the protection of His Majesty's Ambassadors, Consuls or other Officers appointed or to be appointed by His Majesty for the protection of the Trade of His Majesty's Subjects in the said Ports and Places, that provision should be made for defining and establishing the authority of the said Ambassadors, Consuls and other Officers ;

Preamble :

BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall and may be lawful for His Majesty from time to time, by any Order or Orders of His Majesty in Council, to make and issue any Directions and Regulations, touching and concerning the Rights and Duties, Jurisdiction and Authority, Criminal as well as Civil, over His Majesty's Subjects residing at or resorting to the Ports or other Places within the Dominions of the Sublime Ottoman Porte in Europe, Asia and Africa, and likewise in the States of Barbary, to be exercised and performed

1.

His Majesty may issue Orders in Council for the direction of His Consuls in the Ottoman Dominions.

performed by His Majesty's Ambassadors, Consuls or other Officers appointed or to be appointed by His Majesty for the protection of the Trade of His Majesty's Subjects in the Ports and Places before mentioned; and to establish forms of proceeding in all matters coming under the cognizance of the said Ambassadors, Consuls or other Officers in virtue of such Order or Orders in Council; and to impose Penalties, Forfeitures or Imprisonments for the breach of any such Directions or Regulations, to be enforced in such manner as in the said Order or Orders shall be specified; and the said Ambassadors, Consuls and other Officers are hereby authorized and required to obey and enforce the said Regulations and Directions; and the same shall be effectual and binding upon all Subjects of His Majesty residing at or resorting to the said Ports and Places for the purposes of trade or otherwise.

2.

His Majesty
may issue
Orders for the
settlement of
differences
between Par-
ties in said
Dominions.

AND whereas cases occasionally arise within the Dominions of the Ottoman Porte above specified, and in the States of Barbary, wherein the interposition of His Majesty's Ambassadors, Consuls or other Officers is required in the determination of differences or disputes between British Subjects and the Subjects of other Christian Powers; BE it therefore Enacted, That it shall be lawful for His Majesty, by any Order or Orders in Council, to make and issue in the same manner Directions and Regulations for the guidance of His Ambassadors, Consuls and other Officers, and of all other Subjects of His Majesty, in cases of differences or disputes which may arise between British Subjects and the Subjects of any Christian Power within the Dominions of the Sublime Porte in Europe, Asia and Africa, and in the States of Barbary: Provided always, That every Order in Council issued by the authority of this Act shall be published in the London Gazette, and shall be laid before both Houses of Parliament, and shall not be binding and effectual until *Six Months* after it shall have been so laid before both Houses of Parliament.

3.

Regulating
Suits and
Actions
brought under
this Act.

And be it further Enacted, That if any suit or action shall be brought against any person or persons for anything done in pursuance of this Act, or of any orders or regulations made by virtue thereof, then and in every such case, such action or suit shall be commenced or prosecuted within *Six Months* after the fact committed, and not afterwards, except where the cause of action shall have arisen in any place not within the jurisdiction of any of His Majesty's Courts having civil jurisdiction, and then within *Six Months* after the Plaintiff or Plaintiffs, Defendant or Defendants, shall have been within the jurisdiction of any such Court; and the same and every such action or suit shall be brought into the county or place where the cause of action shall have arisen, and not elsewhere,

where, except where the cause of action shall have arisen in any place not within the jurisdiction of any of His Majesty's Courts having civil jurisdiction ; and the Defendant or Defendants shall be entitled to the like notice, and shall have the like privilege of tendering amends to the Plaintiff or Plaintiffs, or their agent or attorney, as is provided in actions brought against any Justice of the Peace for acts done in the execution of his office, by an Act passed in the twenty-fourth year of the Reign of King GEORGE the Second, intituled, " An Act for the rendering Justices of the Peace more safe in the execution of their Office, and for indemnifying Constables and others acting in obedience to the Warrants ;" and the Defendant or Defendants in every such action or suit may plead the general issue, and give the special matter in evidence, and if the matter or thing complained of shall appear to have been done under the authority and in execution of this Act, or of any orders or regulations made by virtue thereof, or if any such action or suit shall be brought after the time limited for bringing the same, or be brought and laid in any other county or place than the same ought to have been brought or laid in as aforesaid, then the Jury shall find for the Defendant or Defendants ; and if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue any action after the Defendant or Defendants shall have appeared, or if a verdict shall pass against the Plaintiff or Plaintiffs, or if upon demurrer judgment shall be taken against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover *Treble* Costs, and have the like remedy for the recovery thereof as any Defendant or Defendants hath or have in any cases of law.

Consuls (Ottoman Dominions).

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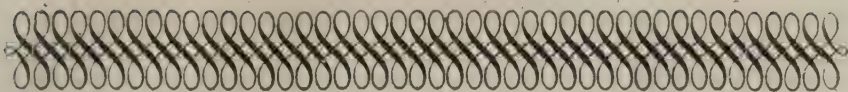
B I L L

To enable His Majesty to make Regulations
for the better defining and establishing the
Powers and Jurisdiction of His Majesty's
Consuls in the Ottoman Dominions.

(Prepared and brought in by
Lord Viscount Palmerston, Mr. Robert Gordon
and Mr. Chancellor of the Exchequer.)

Ordered, by The House of Commons, to be Printed,
22 June 1836.

91



A

B I L L

To prevent the fact of a previous Conviction being given in Evidence to the Jury on the Case before them, except when Evidence to Character is given.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by an Act passed in the seventh and eighth years of the reign of King GEORGE the Fourth, intituled, “An Act for further improving the Administration of Justice in Criminal Cases,” provision is made for the more exemplary punishment of offenders who shall commit any Felony not punishable with death after a previous conviction for Felony :

Preamble:
7 & 8 Geo. 4.
c. 28. s. 11.

And whereas since the passing of the said Act the practice has been on the trial of any person for any such subsequent Felony to charge the Jury to inquire at the same time concerning such previous conviction :

And whereas doubts may be reasonably entertained whether such practice is consistent with a fair and impartial inquiry as regards the matter of such subsequent Felony ; and it is expedient that such practice should from henceforth be discontinued ;

BE it therefore Enacted, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act* it shall not be lawful on the trial of any person for any such subsequent Felony to charge the Jury to inquire concerning such previous conviction until after they shall have inquired concerning such subsequent Felony, and shall have found such person guilty of the same ; and whenever in any indictment such previous conviction shall

be stated, the reading of such statement to the Jury as part of the indictment shall be deferred until after such finding as aforesaid: Provided nevertheless, That if upon the trial of any person for any such subsequent Felony as aforesaid, such person shall give evidence of his or her good character, it shall be lawful for the Prosecutor, in answer thereto, to give evidence of the indictment and conviction of such person for the previous Felony before such verdict of Guilty shall have been returned, and the Jury shall inquire concerning such previous conviction for Felony at the same time that they inquire concerning the subsequent Felony. 5

Conviction.

A

B I L L

To prevent the fact of a previous Conviction being given in Evidence to the Jury on the Case before them, except when Evidence to Character is given.

(Prepared and brought in by
Mr. Ewart and Mr. Poulter.)

*Ordered, by The House of Commons, to be Printed,
22 June 1836.*



A

B I L L

For facilitating the Inclosure of open and Arable Fields
in England and Wales.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH **H**EREA**S** the Lands belonging to the several Proprietors in Open and Common Arable Fields frequently lie very much intermixed and dispersed, and it would tend to the improved cultivation of such Lands, and be otherwise advantageous to the Proprietors thereof, if they were enabled by a general Law to divide and inclose the same: AND whereas an Act was passed in the forty-first year of the reign of his late Majesty King GEORGE the Third, intituled, “An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the mode of proving the several Facts usually required on the passing of such Acts;” **B**E **i**t therefore **E**nacted, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT from and after the *passing of this Act* it shall be lawful for parts in value (such value to be ascertained as hereinafter mentioned) of the several Persons who shall be seised or possessed of or entitled or interested in possession to or in any Open and Common Arable Fields in England or Wales (including any Slips or Balks therein) as Tenant in fee-simple, or as a Copyholder, or in fee-tail, general or special, or for life or lives, or by the courtesy of England, or for any other Estate of or as of Freehold, or for years determinable on any life or lives, or for any term of years whereof *One hundred Years* shall be unexpired, and for the Guardian, Trustee, Feoffee for charitable or other uses, Husband or Committee of such Person who at the time of any agreement for or on the making of any Inclosure authorized by

Preamble.

1.
Open or Common Arable Lands may be inclosed with the Consent of Parts in value of the Parties interested therein.

this Act shall be an Infant, Idiot, Lunatic or Feme Covert, or under any other disability, in such manner and with such consent as is hereinafter mentioned, to inclose such Open and Common Arable Fields, or any of them: Provided, That no such Inclosure shall take place without the consent in writing under the hands of 5

parts in value of the Persons so seised, possessed or entitled as aforesaid, or of the Guardians, Trustees, Feoffees, Husbands or Committees aforesaid of such of the said Persons who may be under disability as aforesaid, such value to be ascertained by the Assessments of the Poor Rates of the respective Parishes or Townships for the then 10

current year; and where the Lands are Extra-parochial, or no Poor Rates shall exist in respect of any such Lands, then by an Annual Value thereof, reduced to the same scale or proportion of the actual Value as other Lands intended also to be inclosed in conjunction therewith are assessed upon to the Poor Rates of any Parish or Town- 15

ship (if any) where such other Lands in conjunction with which such Inclosure is intended to be made shall be situate: Provided also, That no such Inclosure shall take place, nor shall any agreement for that purpose be binding, until a public meeting of the Proprietors and Persons interested in the Lands intended to be inclosed shall have 20

been previously called for the purpose of taking the expediency of such Inclosure into consideration, by notice under the hands of or more of such Proprietors or Persons interested, such Notice to be affixed on the principal outer Door of the Church or Chapel of the Parishes, Townships or Places wherein the Lands 25

intended to be inclosed shall lie, or in case there be no such Church or Chapel, then on the Door of the Church or Chapel of some adjoining Parish or Township, and also advertised in some Newspaper circulating in the County wherein such Lands lie, at least days before the said intended meeting: Provided, That such Inclosure 30

may after such meeting be proceeded with by and with the consent in writing of parts in value of the Proprietors and Persons interested in the Lands intended to be inclosed, notwithstanding some of the Parties who may approve of and consent to such Inclosure may not be present at such meeting, and may signify their consent thereto 35

after the same shall have been holden.

2.
The consent
of the Tenant
in remainder
necessary in
certain Cases.

And be it further Enacted, That whenever any such Inclosure shall be proposed to be made or consented to under the authority of this Act, by any person or persons who, being necessary to make up, and without whom there shall not be consenting parties sufficient to make up the proportion of parts in value hereinbefore required, and who shall have a less estate or interest in the Land to be inclosed than a fee-simple or a copyhold of inheritance, or shall be under any disability, such consent shall not be available for the purposes of this Act, unless the person to whom the next immediate vested estate 40

of

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of freehold or of copyhold of inheritance, in remainder or reversion, shall have been limited (provided such person shall be of the full age of *Twenty-one* Years, and being a female shall be unmarried), shall consent thereto in writing; and such consent shall be sufficient

5 for the purposes of this Act, notwithstanding the person giving the same may have an equitable Estate only in the Land intended to be inclosed, or may have previously disposed of, charged or incumbered his Reversionary Estate therein: Provided always, That if the person to whom such next immediate vested Estate, in remainder or rever-

10 sion, may have been limited, shall, at the time such Inclosure is proposed to be made, happen to be an Infant, Feme Covert, Idiot or Lunatic, it shall be lawful for the Guardian or Husband or Committee of such Infant, Feme Covert, Idiot or Lunatic to consent to such Inclosure in his or her stead: Provided always, That in respect to

15 any Land held in right of any Benefice, no consent of the Incumbent thereof shall alone be available for the purposes of this Act, where such consent shall be necessary to make up the proportion of parts in value hereinbefore required, without the concurrence of the Patron of such Benefice, and of the Archbishop or Bishop to whose

20 ordinary or peculiar jurisdiction the said Benefice shall be subject: Provided always, That if the Patronage of such Benefice shall happen to be in the Crown, and the Benefice shall exceed the yearly value of Pounds in The King's Books, no consent of the Incumbent thereof shall be available for the purposes of this Act, where

25 such consent shall be necessary to make up the proportion aforesaid, without the concurrence of the Lord High Treasurer or the First Lord Commissioner of the Treasury for the time being, who are respectively hereby authorized so to concur; but if such Benefice shall exceed the yearly value of Pounds in The King's

30 Books, then no consent of the Incumbent thereof shall be available for the purposes of this Act, where such consent shall be necessary to make up the proportion aforesaid, without the concurrence of the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal for the time being, who is and are hereby authorized to give

35 such consent on behalf of the Crown; and if the patronage of such Benefice shall happen to be in the Crown, in right of the Duchy of Lancaster, then no consent of the Incumbent thereof shall be available for the purposes of this Act, where such consent shall be necessary to make up the proportion aforesaid, without the concurrence of

40 the Chancellor for the time being of the said Duchy, who is hereby authorized to give such consent on behalf of the Crown; and if the patronage of such Benefice shall be part of the Possessions of the Duchy of Cornwall, no consent of the Incumbent thereof shall be available for the purposes of this Act, where such consent shall be necessary to make up the proportion aforesaid, without the concurrence of the Duke of Cornwall for the time being, if of full age;

but if not of full age, or in case such Benefice shall be within the patronage of the Crown, in right of the Duchy of Cornwall, then of the same person or persons who is hereinbefore authorized to concur on behalf of the Crown, in respect of a Benefice in the patronage of the Crown, and who is and are hereby authorized so to consent on behalf either of the Duke of Cornwall, or (as the case may be) on behalf of the Crown in right of the Duchy of Cornwall; and if the Patron of such Benefice shall happen to be a Minor, Idiot, Lunatic or Feme Covert, it shall be lawful for the Guardian, Committee or Husband of such Patron to consent to such Inclosure in the stead of such Patron and on his or her behalf.

3.
Commissioners to be nominated by the Parties consenting to the Inclosure.

And be it further Enacted, That whenever the Persons hereby authorized to consent to any such Inclosure shall have consented thereto in manner in that behalf herein authorized and required, it shall be lawful for such consenting Parties, or the *major* part of them in value, or their known Agents, to nominate and appoint in writing under their hands, one or more Person or Persons (not interested in the premises), to be a Commissioner or Commissioners for dividing, allotting and inclosing, and he or they is and are hereby empowered to divide, allot and inclose such one or more of the Open and Common Arable Fields in any such Parish, Township or Place, or in any Parishes, Townships or Places, adjoining or lying within Miles of the aforesaid Parish, Township or Place which may have been agreed to be divided, allotted and inclosed as aforesaid; and when and as often as any such Commissioner or any Commissioner to be from time to time appointed in his place, shall die, neglect, or refuse or become incapable to act, it shall be lawful for the *major* part in value of the Proprietors of such Open Common Arable Fields, so agreed to be divided, allotted and inclosed, or of their Agents assembled at a Public Meeting, to be held in manner hereinbefore mentioned in respect to the meeting for taking such Inclosure into consideration, to nominate and appoint any other Person to be a Commissioner in the stead or place of the Commissioner so dying, neglecting, refusing or becoming incapable to act as aforesaid; and in case the said Proprietors or Persons interested as aforesaid, shall make default in appointing any new Commissioner within calendar Months after any such death, neglect, refusal or disability shall happen, and shall be known and signified to them, or any *Two* of them respectively, as aforesaid, then the surviving or remaining Commissioner (if any) shall, and he is hereby required from time to time by writing under his hand, within *One* calendar Month next after the expiration of the said period allowed to the Proprietors or Persons interested for naming such new Commissioner to be appointed as aforesaid, to appoint one other Commissioner not interested in the said Inclosure, in the place of such Commissioners so dying, neglecting, refusing or becoming

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becoming disabled to act as aforesaid; and every such new Commissioner so to be appointed, shall have the like powers and authorities for carrying this Act into execution, in all respects whatsoever, as the Commissioner in whose place he shall have been so appointed
 5 and chosen as aforesaid was invested with, under and by virtue of this and the said hereinbefore recited Act.

And be it further Enacted, That the said Commissioner or Commissioners shall and they are hereby authorized and empowered to appoint a Clerk to assist him or them in the execution of the said recited Act
 10 and this Act, and shall and may remove such Clerk and appoint another in his room as to him or them shall seem meet; and in case of the death, incapacity, neglect or declining to act of any such Clerk, then and in any such case the said Commissioner or Commissioners shall and may appoint any other person to be Clerk.

4.
 Commissioners to appoint a Clerk.

And be it further Enacted, That in all cases where *Two* Commissioners shall have been appointed for any such Inclosure, and any difference of opinion shall arise between them touching or concerning any matter or thing to be done by them by virtue or in the execution of the said recited Act or this Act, then and in every such case such
 20 difference shall be forthwith, or with all convenient speed, referred to such fit and proper Person (not interested in the said Division and Inclosure) as the said *Two* Commissioners or their successors shall by writing under their hands appoint as Umpire between them, and which appointment they are hereby required to make at the first
 25 meeting next after such difference shall arise, and from time to time afterwards to renew the same in the event of the death, refusal, neglect or incapacity to act of the Person so appointed; and the matter upon which such difference shall arise shall be settled and determined by such Person so to be appointed Umpire, whose determination therein
 30 shall be deemed and taken to be the determination of the said Commissioners or their successors, and shall be reduced into writing, and shall be binding and conclusive upon all parties whomsoever (so far as the acts and determinations of the Commissioners are by the said recited Act or this Act declared to be final and conclusive); and for the
 35 purposes aforesaid such Umpire shall have and he is hereby invested with the same powers and authorities as by the said recited Act and this Act are given or vested in the said Commissioners and their successors.

5.
 In case of difference of opinion between Commissioners, an Umpire to be appointed.

Provided always, and be it further Enacted, That no Person shall
 40 be capable of acting as a Commissioner or an Umpire in the execution of this Act or the said recited Act, until he shall have taken and subscribed an Oath, or made an Affirmation, in the form or to the effect following, before one of His Majesty's Justices of the Peace for the
 261. County,

6.
 Commissioners and Umpire to take an Oath.

County, Riding, Division or place in which the Lands intended to be inclosed or some part thereof are situate, which Oath or Affirmation the said Justice is hereby empowered to administer ; (that is to say)

Form of Oath.

“I, A. B., do swear, [or, being one of the people called Quakers, do solemnly affirm,] That I will faithfully, impartially and honestly, according to the best of my skill and judgment, execute and perform the several powers and authorities vested and reposed in me as a Commissioner [or, an Umpire] or Surveyor [as the case may be] by virtue of an Act passed in the year of the reign of King WILLIAM the Fourth, intituled, ‘ An Act,’ &c. [here set forth the title of this Act,] according to equity and good conscience, without favour or affection, prejudice or partiality to any person or persons whomsoever.

“ So help me GOD.”

[Or, being a Quaker, omit the words “ So help me God.”

7.
Commissioners to give Notice of Meetings, &c.

And be it further Enacted, That the said Commissioner or Commissioners shall and they are hereby required to cause Notice in writing to be affixed to the respective Church Doors of the Parish, Township or Place wherein the Lands intended to be inclosed are situate, or if there be no Church, then on some conspicuous public place there ; and also a like Notice to be published in some Newspaper circulating in the County wherein such Lands lie, of the time and place of his or their attendance or meeting, and of all other subsequent attendances or meetings for executing the powers hereby or in and by the said recited Act vested in him or them, *Ten Days* before any such meeting (meetings by adjournment only excepted) ; and if there be *Two* Commissioners, and not more than *One* of them shall attend at the time and place appointed for any such meeting, it shall be lawful for the Commissioner who shall attend such meeting, or the Clerk of the said Commissioners, to adjourn such Meeting to any future day not exceeding Days from the day of adjournment ; and such Clerk shall cause Notice of such adjournment to be given to the said Commissioners : Provided always, That all the Meetings of the said Commissioners shall be holden in one of the Parishes wherein the Lands to be inclosed are situate, or within Miles of the Boundaries of one of them.

8.
Mode in which certain Notices are to be given.

Provided always, and be it further Enacted, That all other Notices necessary or requisite to be given by the said Commissioner or Commissioners, shall be so given by affixing the same on the respective Church Doors of the several Parishes, Townships or Places wherein the Lands to be inclosed are situate, or if there be no Church, in some conspicuous public place in such Parishes, Townships or Places, and by Advertisement in a Newspaper circulating in the County wherein such Lands are situate.

And

9. *99*
Allowance to
Commissioners and
Umpire.

And be it further Enacted, That out of the Money that shall arise for defraying the Expenses of executing this Act, there shall be paid to each of the Commissioners (if more than one), and to the Umpire who shall act in the execution thereof, as a recompense for his pains and trouble, the sum of for

5 each and every day they shall respectively be employed in travelling to, returning from and attending in the execution of this Act, and no more; and at all Meetings to be held in pursuance of this Act the said Commissioners and Umpire shall, out of such allowance, defray

10 their own Expenses; and there shall be paid to the Surveyor or Surveyors to be appointed for the purposes of this Act, such Allowances in respect of his or their services as the said Commissioner or Commissioners shall adjudge to be a full recompense and satisfaction for all his or their Expenses and Charges whatsoever in attending the

15 said Commissioners, and in surveying and admeasuring the Lands and Grounds to be inclosed, and in planning and staking out the several Allotments intended to be made, and in making such Maps and Plans as may be required respectively by virtue of this Act.

10.
A Copy of
Objections to
be left with
the Party ob-
jected to, or
given to his
Agent.

And be it further Enacted, That if any of the Parties interested

20 in the premises shall have any objection or objections to any of the Accounts or Claims which shall be delivered to the said Commissioner or Commissioners by virtue of the said recited Act or of this Act, such objection or objections shall be reduced into writing, and *Two* parts thereof shall be signed by the Party or Parties making the same,

25 or by some person or persons on his, her or their behalf, and *One* part thereof shall be delivered to the Party or Parties whose Claim or Account shall be objected to, or to his, her or their agent, or left at his, her or their last and most usual place or places of abode, at such time or times as the said Commissioner or Commissioners shall appoint

30 for that purpose.

11.
For settling
disputes
between
Parties
interested.

And be it further Enacted, That if any dispute or difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division, Allotment and Inclosure, touching or concerning the respective rights or interests which they or any of

35 them shall claim to have in, to or out of the Lands and Grounds hereby authorized to be divided, allotted and inclosed, or touching or concerning any other matter or thing relating to the said Division, Allotment and Inclosure, it shall be lawful for the said Commissioner or Commissioners, and they are hereby authorized and required to

40 examine into, hear and determine the same respectively; provided that nothing in this Act contained shall authorize the said Commissioner or Commissioners to determine the title to any manors, messuages, cottages, lands, tenements or hereditaments whatsoever.

12.

Commissioners may award Costs.

And be it further Enacted, That in case the said Commissioner or Commissioners shall, upon the hearing and determination of any claim or claims, objection or objections to be delivered to them in pursuance of the said recited Act or this Act, see cause to award any Costs, it shall be lawful for the said Commissioners, and they are respectively hereby empowered, upon application being made to them for that purpose, to settle, assess and award such Costs and Charges as they shall think reasonable to be paid, either for the public account, for or towards the Expenses occasioned in or relating to the investigation, settling and determining of such claim or claims, if finally disallowed, or to the Party or Parties in whose favour any determination of the said Commissioner or Commissioners shall be made, by the person or persons, or body or bodies politic, corporate or collegiate, whose claim or objection shall be thereby disallowed or over-ruled, or against whom the said Commissioner or Commissioners shall have determined as aforesaid; and in case the person or persons, body or bodies politic, corporate or collegiate, who shall be liable to pay such Costs, shall neglect or refuse to pay the same upon demand, it shall be lawful for the said Commissioner or Commissioners, and he and they are hereby authorized and required, by warrant under their hands and seals, directed to any person or persons whomsoever, to cause such Costs to be levied by distress and sale of the goods and chattels of the person or persons, or body or bodies politic, corporate or collegiate so neglecting or refusing to pay the same, rendering the overplus (if any) upon demand to such person or persons, body or bodies politic, corporate or collegiate, whose goods and chattels shall have been so distrained and sold, after deducting the costs and charges attending such distress and sale.

13.

Appeal allowed when Parties are dissatisfied with Decision of the Commissioners.

Provided always, and be it further Enacted, That in case any Person or Persons, Body or Bodies politic, corporate or collegiate, interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any determination of the said Commissioner or Commissioners or Umpire touching or concerning any claim or objection which shall be delivered to the said Commissioners in pursuance of the said recited Act or this Act, or touching or concerning any property, right or interest intended to be affected by such determination, and shall cause notice in writing of such dissatisfaction to be delivered to or left at the usual places of abode of the Commissioner or Commissioners or Umpire making such determination, and of the Party or Parties in whose favour such determination shall have been made, or his, her or their agent, within

next after such determination shall have been notified in writing to the several Parties or Persons interested, it shall be lawful for such Person or Persons, Body or Bodies politic, corporate or collegiate, so dissatisfied and giving such notice as aforesaid, to bring or

or cause to be brought an action or actions upon a feigned issue against the Person or Persons in whose favour such determination shall have been made, and to proceed to a trial at law of the matter so determined by the said Commissioners or Umpire at the then first
 5 or second Assizes to be holden for the County wherein the Lands relating to which such dispute shall arise are situate; and the Defendant or Defendants in such action or actions shall, and he, she and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto and file common bail, and accept one or more issue or
 10 issues, whereby such claim or claims, rights in question, and the property, right and interest thereby insisted upon, may be tried and determined; such issue or issues to be settled by the proper Officer of the Court in which the said action shall be commenced, in case the said Parties shall differ about the same; and the verdict or verdicts which shall be given
 15 upon the trial of such action shall be binding, final and conclusive, unless the Court wherein such action shall be brought shall set aside such verdict or verdicts, and order a new trial to be had thereon, which it shall be lawful for the said Court to do in case the said Court shall think proper; and after such verdict or verdicts shall be
 20 obtained and not set aside, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the claim, property, right or interest thereby determined according to the event of such trial or trials; and the costs and charges payable by the said Commissioner or Commissioners in or relating to such action
 25 or actions shall be paid and discharged out of the monies to be raised by him or them for the purposes of this Act: Provided always, That if no such notice shall be given, and such action or actions at law shall not be commenced as aforesaid, or if any such action shall be commenced and the Plaintiff or Plaintiffs therein shall not proceed to
 30 trial within the time hereinbefore limited for that purpose, then the determination of the said Commissioner or Commissioners or Umpire shall be final, binding and conclusive to all intents and purposes whatsoever: Provided always, That if any of the Parties in any such action to be commenced as aforesaid shall die before the determination thereof,
 35 such action shall not abate by reason thereof, but shall be proceeded in as if no such event had happened, and that no difference, suit or proceeding as aforesaid, nor any difference or dispute touching the title to any lands, tenements or hereditaments shall impede or delay the said Commissioner or Commissioners in the execution of the
 40 powers of this Act, but the Division, Allotment and Inclosure hereby authorized to be made shall be proceeded in, notwithstanding any such difference or proceeding.

Provided always, and be it further Enacted, That if any Person or Persons in whose favour such determination as aforesaid shall have been made, and against whom any such action or actions might have

14.
 Death of
 Parties not to
 abate Actions.

been brought if living, shall die before any such action or actions shall have been brought, and before the expiration of the time hereinbefore limited for bringing such action or actions, it shall be lawful for the Person or Persons, Body or Bodies politic, corporate or collegiate, who might have brought such action or actions against the Person or Persons so dying, to bring the same within the time so limited as aforesaid against such Person or Persons as aforesaid as if actually living, and to serve the Clerk of the said Commissioner or Commissioners with process for commencing such action or actions in the same manner as the Party or Parties so dying might have been served therewith if living; and it shall thereupon be incumbent upon the Heir or Heirs or other Person or Persons who shall claim the benefit of such determination as aforesaid, to appear and defend such action or actions in the name or names of the Person or Persons so dead; and proceedings shall be had therein in the same manner as if such Person had been actually living, and the rights of all parties shall be equally bound and concluded by the event of such action or actions.

15.
Com-
mis-
sioners not to
determine
rights between
Parties except
in cases of
Encroach-
ments.

Provided also, and be it further Enacted, That nothing in this Act contained shall extend to enable the said Commissioner or Commissioners to determine any right between any Parties contrary to the possession of any such Parties, except in cases of encroachments made within the period of . . . Years next preceding the *passing of this Act*; but in case the said Commissioner or Commissioners shall be of opinion against the right of the Person or Persons so in possession, they shall forbear to make any determination thereupon, until the possession shall have been given up by, or taken from, such Person or Persons by ejectment or other due course of Law.

16.
Encroach-
ments made
within 20
Years to be
deemed part
of the Land
to be allotted.

And be it further Enacted, That all Encroachments or Intakes which at any time within . . . Years next preceding the date of the Agreement for any such Inclosure have been made upon the said Lands and Grounds hereby authorized to be divided and inclosed, shall be deemed and considered part and parcel of the Lands and Grounds to be allotted and inclosed by virtue of this Act, as if the same were actually lying open and uninclosed, and shall be divided and allotted accordingly; and in case any dispute or difference shall arise touching any such Encroachments or Intakes, or as to the extent thereof, such dispute or difference shall be determined by the said Commissioner or Commissioners.

17.

Provided always, nevertheless, and be it further Enacted, That all Lands which shall have been inclosed from the Open Fields, or any of them, for more than . . . Years next preceding the date of the Agreement for such Inclosure, shall for the purposes of this Act be deemed and taken to be Ancient Inclosures.

And

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And be it further Enacted, That the said Commissioner or Commissioners shall by some writing or writings under their hands, ascertain, order and appoint what recompense and satisfaction in money shall be made to the Owner or Owners of any Crops growing at the time of the said intended Division and Allotment for the said Crops, by the Person or Persons to whom the Lands on which such Crops are growing shall be allotted, and also what recompense and satisfaction in money shall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of Lands to be inclosed as aforesaid, as well for the ploughing, tilling and manuring of any Lands or Grounds which shall be allotted to some other Person or Persons, and for the profit or advantage which any such Person or Persons, to whom the said Lands and Grounds shall be allotted, will obtain thereby, as for any loss or disadvantage which any such Tenant or Tenants, Occupier or Occupiers, shall or may sustain by the loss of any following or way-going Crop, in any of the Open Fields by this Act authorized to be divided, allotted and inclosed, or by means of the said Division, Allotment and Inclosure; and if in any or either of the said cases last mentioned, such recompense and satisfaction shall not be made at the time and in the manner to be appointed by the said Commissioner or Commissioners, then the said Commissioner or Commissioners shall and may, by any Warrant or Warrants under his or their hands and seals, directed to any Person or Persons whomsoever, (which Warrant or Warrants he or they are hereby authorized and empowered to grant accordingly,) cause the same to be levied by distress and sale of the goods and chattels of the Person or Persons required to make such recompense and satisfaction as aforesaid, together with the costs and charges of such distress and sale, rendering the overplus, if any, to the Owner or Owners of such goods and chattels.

And be it further Enacted, That the said Commissioner or Commissioners shall, as soon after his or their appointment as conveniently may be, by some writing or writings under his or their hands to be affixed on the principal outer doors of the several and respective Parish Churches in which the Lands to be inclosed are situate, or if there be no Church, in some conspicuous place in the township or place where such Lands shall be, order and direct the course of Husbandry that shall be used in, over and upon the Open Arable Fields to be divided, allotted and inclosed by virtue of this Act, until the time when he or they shall have made and completed the intended Division and Allotment thereof, as well with respect to breaking up and the laying down, as the ploughing, sowing, fallowing and tilling the same Lands and Grounds; and by the same or any other writing or writings under his or their hands to be affixed as aforesaid, shall and may make such orders and regulations touching the conduct of the Owners and Occupiers of the same Lands and Grounds for the preventing the committing

19.
Commissioners to direct the Course of Husbandry to be followed.

ting of waste or destruction by any Person or Persons whomsoever upon any of the Lands and Grounds to be divided and allotted by virtue of this Act, in the mean time and until the Allotments and Divisions thereof shall be effected, as to the said Commissioner or Commissioners shall seem expedient; all which orders and regulations of the said Commissioners shall be binding and conclusive upon all parties interested therein, their farmers and tenants; and that the said Commissioners shall set and impose such pecuniary penalties and forfeitures upon every person not conforming to such orders and regulations as they shall think necessary, not exceeding *Five* Pounds per acre; all which penalties and forfeitures shall be paid to such Person or Persons, and for such uses and purposes as the said Commissioner or Commissioners shall by any such writing or writings as aforesaid, or any other writing or writings, direct or appoint; and the said Commissioner or Commissioners are hereby authorized and required to raise and levy the same for the use of the Person or Persons he or they may consider entitled thereto, by such ways and means as the costs, charges and expenses of carrying this Act and the said recited Act of the forty-first year of the reign of his late Majesty King GEORGE the Third into execution may be raised and levied.

20.
Cattle not to be allowed to graze on inclosed Lands for Seven Years.

Provided always, and be it further Enacted, That it shall not be lawful for any Person or Persons, at any time or times within the space of *Seven* Years next after the making and executing the Award of the said Commissioners, to graze or keep any sort of Cattle whatsoever in any of the private roads to be set out by virtue of this Act, and which shall be directed by the said Commissioner or Commissioners to be fenced.

21.
Commissioners to allot Lands to be inclosed.

And be it further Enacted, That the said Commissioner or Commissioners shall apportion, divide, set out and allot the said Open and Common Fields authorized by this Act to be divided, allotted and inclosed unto and amongst the several Proprietors thereof and persons interested therein, in proportion to their respective shares, rights, property and interest, and in proportion to the true and real value of their several shares, rights, property and interests, and in lieu and full satisfaction of and for such their said several shares, rights, property and interests, to be ascertained and adjusted by such ways and means and in such manner as to the said Commissioners shall seem just and expedient, but subject to the rules, orders and regulations herein contained or referred to and authorized to be established concerning the same.

22.
Empowering Rectors to erect Buildings on Lands allotted in right of Glebe.

AND whereas the Allotments made to any Rector or Vicar who may be entitled to any glebe lands in such Open and Common Arable Fields, or some of such Allotments, may probably require some additional Buildings, by reason whereof, and in order to render the same of greater value

value to the said Rectors and Vicars respectively, and their respective successors, it may be necessary that some Buildings should be erected thereon, and some necessary division as well as interior or subdivision fences may be necessary to be made, planted and raised in and upon the said Allotments or some of them: AND whereas the erecting of such further Buildings, and the making, planting and raising such fences will be attended with considerable expense, and as the same will probably be more beneficial to the successors of such Rectors and Vicars respectively than to the Rector and Vicar in whose incumbency such Allotment and Inclosure may take place; BE it therefore further Enacted, That it shall and may be lawful to and for the said Rectors and Vicars respectively, and their respective successors, by and with the consent in writing of the respective Patrons of the said Rectories and Vicarages, and of the Ordinary of the Diocese for the time being, to erect or cause to be erected such further Buildings and Conveniences upon the Allotment or Allotments (which Buildings and Conveniences the said Rectors and Vicars respectively, and their respective successors, are hereby required to cause to be insured equal to the value thereof, annually, in some of the Offices in London established for Insurance against Fire,) so as aforesaid to be set out unto the said Rectors and Vicars and their respective successors as aforesaid; and also to make, plant and raise such outer division, as well as interior or subdivision fences in and upon the said Allotment or Allotments, as the said Commissioner or Commissioners shall judge necessary and proper for the occupation of the Lands so to be allotted to the said Rectors and Vicars respectively, and their respective successors, and by any Deed or Deeds, Writing or Writings, under the respective hand and seal of such Rectors or Vicars respectively, and their respective successors, and attested by Two or more credible Witnesses, by and with the consent in writing of the Bishop of the Diocese for the time being, to charge such Allotment or Allotments so as aforesaid to be set out for the said Rectors and Vicars respectively, and their respective successors as aforesaid, and the Buildings and Conveniences so to be erected thereon, with such sum or sums of money, not exceeding in the whole *three* Years' annual value of the respective Allotments so to be set out to the said Rectors and Vicars respectively, as the said Commissioners shall think necessary for the purposes of and in order to be applied to paying and defraying the charges and expenses of erecting the said further Buildings and Conveniences, and of making, planting or raising such division or subdivision fences, or for either of the said purposes, and in applying for and obtaining the consent of the said Bishop, and in exercise of the powers given to and vested in the said Rectors and Vicars respectively by virtue of this Act and the said recited Act; which sum or sums of money shall be paid to such person or persons as the said Commissioners shall nominate and appoint, in

order to be applied or disposed of accordingly ; and for securing the repayment of such sum or sums of money with interest for the same; to grant, mortgage, lease or demise the Allotments so as aforesaid to be set out unto and for the said Rectors and Vicars respectively, and their respective successors as aforesaid, and the Buildings and Con-
 5 veniences so to be erected thereon, unto such person or persons who shall advance and lend the same, his, her and their executors, administrators or assigns, for any term or number of years, so that every such grant, mortgage, lease or demise be made with a proviso to cease and be void, or with an express trust to be surrendered when the sum or
 10 sums of money thereby to be secured, with the interest thereof, shall be respectively fully paid and satisfied; and such Mortgagee or Mortgagees advancing and lending the money so to be borrowed, shall not be obliged to see to the application or be in anywise answerable for the misapplication of such monies or any part thereof; and the
 15 said Rectors and Vicars respectively, and their respective successors for the time being, shall be and are hereby required and made liable, at the end of every year after the date of such mortgage to pay to the person or persons to whom such grant, mortgage, lease or demise shall be made, his, her or their executors, adminis-
 20 trators or assigns, *one-twentieth* part of the respective principal monies so to be borrowed, until the whole thereof shall by such annual payments be paid off and discharged; and also to pay and keep down the interest of the said respective monies so to be borrowed, so that the future Rectors and Vicars of the said respective Parishes
 25 or Townships becoming possessed of such respective lands and grounds, shall not be subject or liable (and they are hereby respectively discharged from being subject or liable) to pay any further or larger share of such monies than his or their proportion thereof, according to such last-mentioned condition, or any interest for the same, save
 30 only from the day of the death, resignation or cession of the preceding Incumbent of the said Rectories or Vicarages respectively; and that it shall and may be lawful to and for the person or persons who shall advance and lend such monies, his, her or their heirs, executors, administrators and assigns, for the more easily recovering the said
 35 *one-twentieth* part of the said principal, and the whole of the interest which is enacted annually to be paid, to have, use, exercise and take such and the same powers and remedies, by entry and distress upon the premises so to be charged, mortgaged and demised, and sale of such distress as by the Laws now in force are provided for and given to
 40 landlords, or as they can use and take for the recovery of rack-rents in arrear.

23.
 Rectors, with
 consent of
 Bishop, may
 demise the
 Allotments.

And be it further Enacted, That it shall and may be lawful for the Rectors of the said Rectories, and the Vicars of the said Vicarages respectively for the time being, by Indentures under their respective
 hands

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hands and seals, with the consent and approbation of the Bishop of the Diocese for the time being, and of the Patron of the said Rectories and Vicarages, to lease and demise all or any part of the Allotments to be set out and allotted to them respectively by virtue of this

5 Act, to any Person or Persons whomsoever, for any term not exceeding Years, to commence within *Twelve* calendar Months from the setting out and making of such Allotments respectively, so that the Rent or Rents for the same shall be thereby reserved to such Rectors and Vicars for the time being, by *Four* equal quarterly payments in

10 every Year, and so that there be thereby reserved to such Rectors and Vicars the best and most improved Rent or Rents that can be reasonably gotten for the same, without taking any fine, foregift, premium, sum of money or other consideration for granting any such Lease, and so that no such Lessee by any such Lease or Demise be made

15 dispunishable for waste by any express words to be therein contained, and so that there be inserted in every such Lease power of re-entry on nonpayment of Rent or Rents, to be thereby reserved within a reasonable time to be therein limited, after the same shall become due, and so that a counterpart of such Lease be duly executed by the

20 Lessee or Lessees to whom such Lease shall be made as aforesaid; and every such Lease shall be valid and effectual, any law or usage to the contrary notwithstanding.

Provided always, and be it further Enacted, That in case, through the necessity of situation or any other accident or circumstance, it

25 shall happen that one or more of the said Proprietors shall not have an equal or proportionable quantity of Boundary Mounds or Fences allotted to him, her or them on the said intended Inclosure, it shall be lawful for the said Commissioner or Commissioners, when he or they shall judge it necessary and reasonable, to award, order, ascertain and

30 appoint what sum or sums of money such Proprietor or Proprietors shall respectively pay and contribute towards making the Mounds and Fences of the Allotments of such other Proprietor or Proprietors who shall or may have too great a proportion of Mounding or Fencing allotted to him, her or them by virtue of this Act; the same to be

35 settled by the said Commissioner or Commissioners in such manner as he or they shall order, direct or appoint; and the money so ordered, directed or appointed to be paid, shall be raised, levied and recovered in such and the same manner as the other expenses of this Act are herein or by the said recited Act ordered and directed to be levied

40 and recovered.

24.
Com-
mis-
sioners in
certain cases
to apportion
Expenses of
erecting Boun-
dary Fences.

Provided always, and be it further Enacted, That nothing in this Act contained shall extend or be construed or adjudged to extend to revoke, make void, alter or annul any Settlement, Deed, Will or Lease, or to prejudice any Person having any right or claim of Dower,

25.
Act not to
affect Settle-
ments.

Jointure, Annuity, Rent Charge, Debt or Incumbrance whatsoever, in, out of, upon or affecting any of the Lands, Tenements or Hereditaments hereby authorized to be divided and allotted, or which shall be exchanged or assigned in compensation for any other estate or right in pursuance of this Act; but as well the Lands allotted as the Tenements or other Hereditaments which shall be assigned in exchange or as a compensation for any other estate or right, shall immediately after such allotment, exchange or assignment shall be made, be vested, remain and enure, and the several persons to whom the same shall be allotted, assigned or given in exchange as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively, to, for and upon such and the same uses, estates, intents, trusts and purposes respectively, and subject and liable to such and the same wills, settlements, limitations and remainders, conditions, charges, tenures, rents, services and incumbrances as the several Lands, Tenements and Hereditaments in respect whereof such allotments, assignments and exchanges shall have been made, should or would have stood severally limited, settled, or subject or liable to, or been held by, in case the same had not been allotted, assigned or exchanged, and this Act had not been made or acted upon; save and except such rents and services as shall have been compensated for and extinguished, and such Leases and Tenancies at rack rents as shall become void by virtue of this Act, and subject nevertheless to all such Mortgages and Sales as shall be made by authority of this Act, or of the said Act of the forty-first year of the reign of his late Majesty King GEORGE the Third.

26.
Leases at
Rack Rent
may be
voided.

Provided also, and be it further Enacted, That all Leases, Agreements and Tenancies at rack rent subsisting of any part or parts of the Lands and Grounds hereby authorized to be divided, allotted and inclosed at the time of the first appointment of any Commissioner or Commissioners for the Inclosure thereof, or which shall be exchanged in pursuance of this Act, shall, so far only as respects the Lands hereby authorized to be divided and allotted or exchanged, cease and be void at such time or times as the said Commissioner or Commissioners shall by writing under his or their hands direct or appoint, so as the respective Lessors or Landlords of such Lands or Tenements do, before or at the respective times at which such Leases or Tenancies shall be directed to cease, make and pay such satisfaction to the respective Lessees or Tenants, for the loss which shall be sustained by the determination of such Leases respectively, so far as regards the said Lands, the Tenancy and Leases whereof are hereby authorized to be determined, as shall be mutually settled and agreed between them, or as the said Commissioner or Commissioners being required by either of the Parties shall ascertain and direct; and the said Commissioner or Commissioners, being so required, are hereby empowered and directed to apportion a reasonable and proportionable

able part, according to the season of the year, of the Rent reserved on any such Lease or Agreement, for or in respect of the time which shall have elapsed between the last day on which any payment of the Rent shall have become due, and the determination of any such Lease or Agreement; and such part of the Rent shall be recoverable by such ways and means as may by Law be used for the recovery of Rent in arrear; and the said Commissioners are hereby empowered and directed in every case where such Lands or other Hereditaments shall be held by virtue of such Lease or Agreement, together with other Lands or Hereditaments, by one entire Rent, to apportion and determine what part of such Rent shall be deducted in respect of such of the Lands or other Hereditaments in such Lease or Agreement comprised, as to which the same shall be determined as aforesaid, and from what time such deduction shall take place; and the rest of the Rent reserved on any such Lease or Agreement shall, during the remainder of the Term thereof, be the Rent of and for the residue of such Lands and Hereditaments, and shall be payable and recoverable in like manner as the entire Rent reserved by such Lease or Agreement shall, immediately before such apportionment, be payable and recoverable.

And be it further Enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Lands, Tenements or Hereditaments whatsoever, within the parishes, townships or places in which the Lands to be allotted and inclosed are situated, or any of them, in lieu of and in exchange for any other Lands, Tenements or Hereditaments within the same parishes, townships or places respectively, or any of them, or within any parish, township or place adjoining to the said parishes, townships or places respectively, or any of them; provided that all such exchanges shall be ascertained, specified and declared in the Award of the said Commissioner or Commissioners, and be made with the consent of the proprietor or proprietors of the hereditaments and premises which shall be so exchanged, whether such proprietor or proprietors shall be a body or bodies politic, corporate or collegiate, corporation aggregate or sole, rector, parson, vicar or other ecclesiastical person or persons, or a tenant or tenants in fee-simple or for life, or in fee-tail, special or general, or by the courtesy of England, or for years determinable on any life or lives by and with the consent of the lessor or lessors, but not otherwise, or with the consent of the guardians, husbands, committees or attornies of or acting for any such proprietor or proprietors who, at the time of making such exchange or exchanges, shall be respectively infants, femmes covert, idiots, lunatics, or under any other legal disability, or who shall be beyond the seas, or otherwise disabled to act for themselves, himself or herself, or of the trustees or feoffees for charitable, parochial or other uses, or of the

27.
Exchanges
may be made.

person or persons having power to sell and dispose of the premises which shall be so exchanged (such consent to be testified in writing under the common seal of the body politic, corporate or collegiate, and under the hands of the other consenting parties respectively); and all and every such exchange and exchanges so to be made respectively shall be good, valid and effectual in the law to all intents and purposes whatsoever: Provided nevertheless, That no exchange shall be made of any Lands, Tenements and Hereditaments held in right of any church, chapel or other ecclesiastical benefice, without the consent testified as aforesaid of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements and Hereditaments shall be situate. 5 10

28.

Allotments to be under the same Tenure as the Lands in respect of which they are allotted.

Provided always, and be it further Enacted, That the Lands, Grounds and Hereditaments which shall be allotted by virtue of this Act shall be held in like manner, under and by virtue of the same terms and rents, and shall be thereafter deemed to be of the same quality as the Lands, Tenements or Hereditaments, in respect of which such Allotment or Allotments shall be made, were held or deemed to be of, immediately before the making of every such Allotment respectively. 15 20

29.

For defraying Expense of Exchanges.

Provided also, and be it further Enacted, That all Costs, charges and expenses attending the making any exchanges and partitions shall be paid and borne by the several persons making such exchanges and partitions, in such manner and in such proportions as the said Commissioner or Commissioners shall, by any writing under his or their hands, order and direct. 25

30.

Ditches may be widened.

And be it further Enacted, That the said Commissioner or Commissioners shall and may scour out, widen and alter all such ancient ditches, drains, watercourses, tunnels, gates and bridges in the respective Open Common Arable Fields (or any one of them) hereby authorized to be allotted and inclosed, and also shall and may set out, widen and make any new ditches, drains, watercourses, tunnels, gates and bridges in, through and over the Lands and Grounds hereby authorized to be divided, allotted and inclosed (the expenses thereof to be raised and defrayed as the other expenses of executing the powers of this Act are herein directed to be raised and defrayed), and of such breadth, depth and dimensions, and in such directions as the said Commissioners shall think proper; and the said Commissioner or Commissioners shall and may, and they are hereby directed and required, in and by their Awards, to order and determine by whom and at whose expense, and at what time and in what manner the said ditches, drains, watercourses, tunnels, gates and bridges shall be afterwards cleansed, scoured and maintained; and also shall and may direct, 30 35 40

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direct, order and award all or any of the streams, springs and water-courses within the said Lands and Grounds hereby authorized to be divided, allotted and inclosed, to be carried, diverted and turned into such courses, and through, over and across such parts of the
 5 Lands and Grounds hereby authorized to be divided, allotted and inclosed, as they the said Commissioners shall in their discretion judge proper for the draining or watering the several Allotments so to be made as aforesaid.

And be it further Enacted, That it shall and may be lawful for
 10 any Person or Persons interested in the said Allotments, at any time to mortgage, sell, demise or dispose of all such estate, right, title, interest and property which he, she or they shall then have in or to the said Open Common Arable Fields (or any one of them), and of the Allotments set out in lieu thereof, before the execution of the Award of
 15 the said Commissioner or Commissioners; and it shall be lawful for the said Commissioner or Commissioners, and he or they are hereby authorized and required, upon the conveyance or other instrument, by which such sale or disposition is confirmed, being produced to them, and the execution thereof proved to their satisfaction, to allot the same
 20 to the Purchaser or Purchasers thereof respectively; and if not so allotted, such conveyance or other instrument shall be valid and effectual in law, notwithstanding it may have been so made before the execution of the said Award.

31.
 Persons interested in Allotments may sell the same.

And be it further Enacted, That it shall be lawful for the said
 25 Commissioner or Commissioners, in case he or they shall be requested by writing under the hand or hands of any Person or Persons being tenant for life, or other person being in possession of, but not having the absolute estate or interest in any Lands hereby authorized to be allotted and inclosed, to sell and dispose of any part or parts of the
 30 Allotment or Allotments belonging to such Person or Persons, for the purpose of defraying his, her or their shares of the costs, charges and expenses of putting into execution this Act and the said recited Act of the forty-first year of the reign of his late Majesty King GEORGE the Third, and the expenses of fencing, ditching, subdividing and
 35 inclosing such Allotment or Allotments; and the said Commissioners shall accordingly sell such part or parts of such Allotment or Allotments, either by private contract or public auction, as they shall think proper, to such Person or Persons as shall be willing to purchase the same, and shall convey the same to such purchaser or purchasers
 40 by any deed under their hands and seals; and the receipt of the said Commissioners for such money shall be a full and complete discharge to such purchaser or purchasers for such purchase money; and the said Commissioners shall apply the purchase money in or towards the payment of such expenses, and in fencing, ditching, subdividing and inclosing the said Allotment or Allotments respectively; but such

32.
 Tenants for Life empowered to sell part of Allotments to defray Expenses.

purchaser or purchasers shall not be liable to see to the necessity or expediency of such sale, nor be answerable nor accountable for the misapplication of such purchase money ; and upon the payment of such purchase money or purchase monies into the hands of the said Commissioner or Commissioners, the Lands so to be sold as last aforesaid shall immediately thereupon be vested in fee-simple in possession (if such Allotment or Allotments is or are made in right of freehold) in the purchaser or purchasers thereof ; and the same shall be thenceforth held in severalty by such purchaser or purchasers thereof respectively, as his, her or their private property, and shall be allotted accordingly by the said Commissioner or Commissioners.

33. Provided always, and be it further Enacted, That where any Allotment or Allotments so to be made to any Person or Persons being tenant for life or in tail, or other Person being in possession, but not having the absolute estate or interest in any Lands hereby authorized to be allotted and inclosed, which stand limited to the same uses, shall be situated partly in one and partly in another parish or township, or place, it shall and may be lawful to and for the said Commissioner or Commissioners, in case they shall be requested, as last hereinbefore mentioned, to sell and dispose of, and to convey and assure to the purchaser or purchasers thereof, any part or parts of the said Allotments belonging to such Person or Persons, in any one or more of the said parishes, townships or places, in manner in that behalf hereinbefore mentioned, as well for the purpose of defraying his, her or their share or shares of the costs, charges and expenses of putting into execution this Act and the said recited Act, and the expenses of fencing, ditching, subdividing, and draining such Allotment or Allotments in respect of such of the said Lands as are situated within the same parish wherein the said Allotment or Allotments so sold may be situated, as, for and in respect of such of the said Lands or other Hereditaments or Allotments as may be situated in any other township or place : Provided always, That it shall not be lawful to raise by such sale any further or greater sum of money than the Person or Persons, part of whose Allotment or Allotments may be sold or disposed of, would have been empowered and authorized to borrow or charge upon his, her or their Allotment or Allotments, under or by virtue of the said recited Act or this Act, reckoning Pounds for each and every acre of such Allotment or Allotments.

34. Provided always, and be it further Enacted, That it shall not be lawful for the Proprietor or Person from whose Allotments Lands shall be as aforesaid deducted, to charge his, her or their Lands or Hereditaments, by virtue of the said recited Act or this Act, with any money towards payment of such expenses, unless the money to arise by such sale shall be less than the sum of Pounds per acre ; and then and in such case it shall be lawful for such Person or Persons to charge his, her

her or their estate or estates with, or to raise by mortgage thereof or other means or ways as mentioned in the said recited Act or this Act, such further sum of money as may be necessary for the payment of the expenses of executing this Act, and subdividing the said Allotments, as, together with the value of the Lands so deducted, shall not exceed the amount that might be borrowed and charged on the Lands to be divided and allotted at the rate of Pounds for each and every acre.

And be it further Enacted, That the charges and expenses of
10 surveying, valuing, planning, measuring, dividing and allotting the said Open and Common Fields hereby authorized to be divided, allotted and inclosed, and of fencing the Lands of the Persons from whom a deduction of Land shall be made as hereinbefore directed, and also the expenses of preparing and enrolling the Awards of,
15 and the allowances and payments to be made to the said Commissioner or Commissioners, Umpire and Surveyors respectively as hereinbefore directed, and all other charges and expenses incident to or attending the carrying this Act into execution shall be paid, borne and defrayed by all the Proprietors of the Lands and Hereditaments
20 so authorized to be divided, allotted and inclosed or exchanged, in such proportions as the said Commissioner or Commissioners shall settle, adjust and determine, to be paid at such time or times, and to such Person or Persons as they the said Commissioner or Commissioners shall order and direct; Notice thereof in writing under their hands being
25 given Days before the time such payment shall be required.

35.
For Payment
of Expenses
of measuring,
dividing, al-
lotting and in-
closing Open
and Common
Lands.

And be it further Enacted, That once at least in every year, to be computed from the first appointment of such respective Commissioner or Commissioners, the Accounts of the said Commissioners, Commis-
30 sioner or Umpire, containing a true statement of all and every Sum and Sums of Money by them received and expended, or due to them for their trouble and expense in the execution of this Act and the said recited Act of the forty-first year of the reign of his late Majesty King GEORGE the Third, until such Account shall be finally settled,
35 shall, together with the Vouchers relating to the same, be by them laid before one of his Majesty's Justices of the Peace for the County in which the Lands to be inclosed, or the greater part of them, shall be situated, to be by him examined and balanced; and such balance shall be stated in the Books of Account to be kept in the Office of
40 the Clerk of the said Commissioners, and no charge or item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall be so allowed.

36.
Commis-
sioners to
account.

And be it further Enacted, That the said Commissioner or Com-
missioners, shall make and execute Awards, with Maps or Plans
261. c 3 thereto

37.
Awards.

thereto annexed, and shall cause the same to be enrolled in manner directed by the said recited Act; and such Awards shall be deposited in the respective Parish Churches of the Parishes wherein the Lands so to be allotted and inclosed, or the greater part thereof, are situated.

38.

Provisions of Act 41 Geo. 3, where not altered or repealed, extended to this Act.

And be it further Enacted, That all and every the Clauses, Provisions and Enactments contained in the said Act of the forty-first year of the reign of King GEORGE the Third, or such of them as are applicable to and consistent with the purposes and object of this Act, shall and may be in full force and effect for carrying into effect the Allotments, Division, Enclosures and Exchanges hereby authorized to be made, as fully and effectually as if such Clauses, Provisions and Enactments had been herein repeated and re-enacted, and had been made part of this Act, with such alterations and variations as would adapt them and render them applicable to the object and purposes of this Act.

39.

Appeal to Quarter Sessions, where Parties think themselves aggrieved.

And be it further Enacted, That it shall be lawful for all Persons who shall think themselves aggrieved by any thing done by virtue of this Act or the said recited Act (except in cases where the things so done are herein or by the said Act of the forty-first year of his late Majesty King GEORGE the Third, declared to be final, binding and conclusive) to appeal to the General Quarter Sessions of the Peace which shall be held in and for the County, Riding or Division wherein the Lands, or the greater part thereof, in respect of which the matter of complaint may arise, shall be situated, or any adjournment thereof, within calendar Months next after the cause of complaint shall have arisen, first giving or causing to be given Days' notice thereof in writing to the said Commissioner or Commissioners, or one of them, or to the parties intended to be appealed against; and the Justices at their said Quarter Sessions, or any adjournment thereof, are hereby authorized and required to hear and determine the matter of every such Appeal, and to make such Order therein, and to award such Costs as to them in their discretion shall seem meet, and by their Warrant to levy the Costs awarded by distress and sale of the goods and chattels of the parties respectively adjudged to pay the same, rendering the overplus (if any) to the respective owners of such goods and chattels, after deducting the reasonable charges of such distress and sale; and every determination of the said Justices shall be final and conclusive on all parties concerned; and no such complaint, appeal or proceeding shall be removed or removable by Certiorari or any other writ or proceeding whatsoever into any of His Majesty's Courts of Record at Westminster or elsewhere; but in case such appeal shall appear to the said Justices to be frivolous, vexatious or without foundation, then the said Justices shall award such costs to be paid by the Appellant or Appellants as to them in their discretion shall seem reasonable, and to be levied in manner aforesaid.

Provided

Provided always, and be it further Enacted, That nothing in this Act contained shall prejudice, lessen or defeat the right, title or interest of the respective Lords for the time being of any Manors in or to any of the royalties or seignories, fisheries, manorial and other rights, customs and services incident or belonging to the said respective manors, or any of them; but that such respective Lords, and all and every person and persons claiming in trust for him or them as such respective Lords for the time being of the said several and respective manors, shall and may at all times for ever hereafter have, hold, receive, take and enjoy all rents, services, courts, perquisites and profits of courts, fines, goods and chattels of felons and fugitives, felons of themselves, and put in exigent deodands, waifs, estrays and forfeitures, privileges and jurisdictions of their several and respective manors, to the respective Lords thereof, or any person or persons claiming under him or them, incident, belonging or appertaining, except in respect of any Land or Estate for which compensation is hereinbefore authorized to be made, in as full, ample and beneficial manner to all intents and purposes as the same might or ought to have been held and enjoyed in case this Act had not been passed.

Saving always to The KING's most Excellent MAJESTY, His heirs and successors, and to all and every other person and persons, bodies politic and corporate, ecclesiastical and civil, his, her or their respective heirs, successors, executors and administrators (other than and except the persons to whom any Allotment or Compensation shall be made by virtue of this Act, in respect of the interest or property for which such Allotment or Compensation shall be made to them in respect of such right, and except such other rights and interests as the intents and purposes hereby authorized shall absolutely require to be barred, destroyed or extinguished by this Act, and all persons respectively claiming under them, or in remainder after them), all such estate, right, title, interest, claim and demand as they, every or any of them had or enjoyed, of, in, to or out of the said Open and Common Fields hereby authorized to be divided, allotted and inclosed before the *passing of this Act*, or the carrying the powers thereof into execution, or could or might have held or enjoyed in case this Act had not been made, or the powers thereof had not been carried into execution.

Common Fields Inclosure.

A

B I L L

For facilitating the Inclosure of Open and
Arable Fields in England and Wales.

(Prepared and brought in by
Mr. Anderson Pelham and Mr. Bennett.)

*Ordered, by The House of Commons, to be Printed,
12 May 1836.*

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A

B I L L

[AS AMENDED BY THE COMMITTEE]

For facilitating the Inclosure of open and Arable Fields
in *England* and *Wales*.

WH **E**R **E**A **S** Lands consisting of Open and Common Arable Lands and Fields frequently lie very much inter-
mixed and dispersed, and it would tend to the improved culti-
vation of such Lands, and be otherwise advantageous to the Pro-
5 prietors thereof, if they were enabled by a general Law to divide
and inclose the same: AND whereas an Act was passed in the
forty-first year of the reign of his late Majesty King GEORGE the
Third; intituled, “ An Act for consolidating in one Act certain Provi-
10 sions usually inserted in Acts of Inclosure, and for facilitating the
mode of proving the several Facts usually required on the passing of
such Acts;” **B**E **i**t **t**herefore **E**nacted, by The KING’s most Excel-
lent MAJESTY, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, **T**HAT from and after
15 the passing of this Act it shall be lawful for Two-third parts in
value (such value to be ascertained as hereinafter mentioned) of the
several Persons who shall be seised or possessed of or entitled or
interested in possession to or in any Open and Common Arable Fields
in *England* or *Wales* (including any Slips or Balks therein, and any
20 detached or intermixed portions of untilled Land, being part of such
Fields) as Tenant in fee-simple, or as a Copyholder, or in fee-tail,
general or special, or for life or lives, or by the courtesy of *England*, or
for any other Estate of or as of Freehold, or for years determinable on
any life or lives, or for any term of years whereof One hundred Years
21 shall be unexpired, and for the Guardian, Trustee, Feoffee for charitable
or other uses, Husband or Committee of such Person who at the time
of any agreement for or on the making of any Inclosure authorized by

Preamble.

1.
Open or Com-
mon Arable
Lands may be
inclosed with
the Consent of
Two-third
Parts in value
of the Parties
interested
therein.

this Act shall be an Infant, Idiot, Lunatic or Feme Covert, or under any other disability, in such manner and with such consent as is hereinafter mentioned, to inclose such Open and Common Arable Fields, or any of them: Provided, That no such Inclosure shall take place without the consent in writing under the hands of Two-third 5 parts in value of the Persons so seised, possessed or entitled as aforesaid, or of the Guardians, Trustees, Feoffees, Husbands or Committees aforesaid of such of the said Persons who may be under disability as aforesaid, such value to be ascertained by the Assessments of the Poor Rates of the respective Parishes or Townships for the then 10 current year; and where the Lands are Extra-parochial, or no Poor Rates shall exist in respect of any such Lands, then by an Annual Value thereof, reduced to the same scale or proportion of the actual Value as other Lands intended also to be inclosed in conjunction therewith are assessed upon to the Poor Rates of any Parish or Town- 15 ship (if any) where such other Lands in conjunction with which such Inclosure is intended to be made shall be situate: Provided also, That no such Inclosure shall take place, nor shall any agreement for that purpose be binding, until a public meeting of the Proprietors and Persons interested in the Lands intended to be inclosed shall have 20 been previously called for the purpose of taking the expediency of such Inclosure into consideration, by notice under the hands of Three or more of such Proprietors or Persons interested, such Notice to be affixed on the principal outer Door of the Church or Chapel of the Parishes, Townships or Places wherein the Lands 25 intended to be inclosed shall lie, or in case there be no such Church or Chapel, then on the Door of the Church or Chapel of some adjoining Parish or Township, and also advertised in some Newspaper circulating in the County wherein such Lands lie, at least Fourteen days before the said intended meeting: Provided, That such Inclosure 30 may after such meeting be proceeded with by and with the consent in writing of Two-third parts in value of the Proprietors and Persons interested in the Lands intended to be inclosed, notwithstanding some of the Parties who may approve of and consent to such Inclosure may not be present at such meeting, and may signify their consent thereto 35 after the same shall have been holden.

2.

The consent
of the Tenant
in remainder
necessary in
certain Cases.

And be it further Enacted, That whenever any such Inclosure shall be proposed to be made or consented to under the authority of this Act, by any person or persons who, being necessary to make up, and without whom there shall not be consenting parties sufficient to make 40 up the proportion of Two-third parts in value hereinbefore required, and who shall have a less estate or interest in the Land to be inclosed than a fee-simple or a copyhold of inheritance, or shall be under any disability, such consent shall not be available for the purposes of this Act, unless the person to whom the next immediate vested estate
of

of freehold or of copyhold of inheritance, in remainder or reversion,
 shall have been limited (provided such person shall be of the full
 age of Twenty-one Years, and being a female shall be unmarried),
 shall consent thereto in writing; and such consent shall be sufficient
 5 for the purposes of this Act, notwithstanding the person giving the
 same may have an equitable Estate only in the Land intended to be
 inclosed; or may have previously disposed of, charged or incumbered
 his Reversionary Estate therein: Provided always, That if the person
 to whom such next immediate vested Estate, in remainder or rever-
 10 sion, may have been limited, shall, at the time such Inclosure is
 proposed to be made, happen to be an Infant, Feme Covert, Idiot or
 Lunatic, it shall be lawful for the Guardian or Husband or Committee
 of such Infant, Feme Covert, Idiot or Lunatic to consent to such
 Inclosure in his or her stead: Provided always, That in respect to
 15 any Land held in right of any Benefice, no consent of the Incumbent
 thereof shall alone be available for the purposes of this Act, where such
 consent shall be necessary to make up the proportion of Two-third
 parts in value hereinbefore required, without the concurrence of the
 Patron of such Benefice, and of the Archbishop or Bishop to whose
 20 ordinary or peculiar jurisdiction the said Benefice shall be subject:
 Provided always, That if the Patronage of such Benefice shall happen
 to be in the Crown, and the Benefice shall exceed the yearly value
 of Twenty Pounds in The King's Books, no consent of the Incum-
 bent thereof shall be available for the purposes of this Act, where
 25 such consent shall be necessary to make up the proportion aforesaid,
 without the concurrence of the Lord High Treasurer or the First
 Lord Commissioner of the Treasury for the time being, who are
 respectively hereby authorized so to concur; but if such Benefice
 shall exceed the yearly value of Twenty Pounds in The King's
 30 Books, then no consent of the Incumbent thereof shall be available
 for the purposes of this Act, where such consent shall be necessary
 to make up the proportion aforesaid, without the concurrence of the
 Lord High Chancellor, Lord Keeper or Lords Commissioners of the
 Great Seal for the time being, who is and are hereby authorized to give
 35 such consent on behalf of the Crown; and if the patronage of such
 Benefice shall happen to be in the Crown, in right of the Duchy of
Lancaster, then no consent of the Incumbent thereof shall be avail-
 able for the purposes of this Act, where such consent shall be neces-
 sary to make up the proportion aforesaid, without the concurrence of
 40 the Chancellor for the time being of the said Duchy, who is hereby
 authorized to give such consent on behalf of the Crown; and if the
 patronage of such Benefice shall be part of the Possessions of the
 Duchy of *Cornwall*, no consent of the Incumbent thereof shall be
 available for the purposes of this Act, where such consent shall be
 necessary to make up the proportion aforesaid, without the concur-
 rence of the Duke of *Cornwall* for the time being, if of full age;

but if not of full age, or in case such Benefice shall be within the patronage of the Crown, in right of the Duchy of *Cornwall*, then of the same person or persons who is hereinbefore authorized to concur on behalf of the Crown, in respect of a Benefice in the patronage of the Crown, and who is and are hereby authorized so to consent on behalf either of the Duke of *Cornwall*, or (as the case may be) on behalf of the Crown in right of the Duchy of *Cornwall*; and if the Patron of such Benefice shall happen to be a Minor, Idiot, Lunatic or Feme Covert, it shall be lawful for the Guardian, Committee or Husband of such Patron to consent to such Inclosure in the stead of such Patron and on his or her behalf.

3.
Commissioners to be nominated by the Parties consenting to the Inclosure.

And be it further Enacted, That whenever the Persons hereby authorized to consent to any such Inclosure shall have consented thereto in manner in that behalf herein authorized and required, it shall be lawful for the major part in value of the Proprietors of and Persons interested in the Lands intended to be divided and inclosed, or their known Agents, who may be present at a Meeting to be called for that purpose, to nominate and appoint in writing under their hands, one or more Person or Persons (not interested in the premises), to be a Commissioner or Commissioners for dividing, allotting and inclosing, and he or they is and are hereby empowered to divide, allot and inclose such one or more of the Open and Common Arable Fields in any such Parish, Township or Place, or in any Parishes, Townships or Places, adjoining or lying within Two Miles of the aforesaid Parish, Township or Place which may have been agreed to be divided, allotted and inclosed as aforesaid; and when and as often as any such Commissioner or any Commissioner to be from time to time appointed in his place, shall die, neglect, or refuse or become incapable to act, it shall be lawful for the major part in value of the Proprietors of such Open Common Arable Fields, so agreed to be divided, allotted and inclosed, or of their Agents assembled at a Public Meeting, to be held in manner hereinbefore mentioned in respect to the meeting for taking such Inclosure into consideration, to nominate and appoint any other Person to be a Commissioner in the stead or place of the Commissioner so dying, neglecting, refusing or becoming incapable to act as aforesaid; and in case the said Proprietors or Persons interested as aforesaid, shall make default in appointing any new Commissioner within Two calendar Months after any such death, neglect, refusal or disability shall happen, and shall be known and signified to them, or any Two of them respectively, as aforesaid, then the surviving or remaining Commissioner (if any) shall, and he is hereby required from time to time by writing under his hand, within One calendar Month next after the expiration of the said period allowed to the Proprietors or Persons interested for naming such new Commissioner to be appointed as aforesaid, to appoint

appoint one other Commissioner not interested in the said Inclosure, in the place of such Commissioners so dying, neglecting, refusing or becoming disabled to act as aforesaid; and every such new Commissioner so to be appointed, shall have the like powers and authorities for carrying this Act into execution, in all respects whatsoever, as the Commissioner in whose place he shall have been so appointed and chosen as aforesaid was invested with, under and by virtue of this and the said hereinbefore recited Act.

And be it further Enacted, That the said Commissioner or Commissioners shall and they are hereby authorized and empowered to appoint a Clerk to assist him or them in the execution of the said recited Act and this Act, and shall and may remove such Clerk and appoint another in his room as to him or them shall seem meet; and in case of the death, incapacity, neglect or declining to act of any such Clerk, then and in any such case the said Commissioner or Commissioners shall and may appoint any other person to be Clerk.

4.
Commissioners to appoint a Clerk.

And be it further Enacted, That in all cases where Two Commissioners shall have been appointed for any such Inclosure, and any difference of opinion shall arise between them touching or concerning any matter or thing to be done by them by virtue or in the execution of the said recited Act or this Act, then and in every such case such difference shall be forthwith, or with all convenient speed, referred to such fit and proper Person (not interested in the said Division and Inclosure) as the said Two Commissioners or their successors shall by writing under their hands appoint as Umpire between them, and which appointment they are hereby required to make at the first meeting next after such difference shall arise, and from time to time afterwards to renew the same in the event of the death, refusal, neglect or incapacity to act of the Person so appointed; and the matter upon which such difference shall arise shall be settled and determined by such Person so to be appointed Umpire, whose determination therein shall be deemed and taken to be the determination of the said Commissioners or their successors, and shall be reduced into writing, and shall be binding and conclusive upon all parties whomsoever (so far as the acts and determinations of the Commissioners are by the said recited Act or this Act declared to be final and conclusive); and for the purposes aforesaid such Umpire shall have and he is hereby invested with the same powers and authorities as by the said recited Act and this Act are given or vested in the said Commissioners and their successors.

5.
In case of difference of opinion between Commissioners, an Umpire to be appointed.

Provided always, and be it further Enacted, That no Person shall be capable of acting as a Commissioner or an Umpire in the execution of this Act or the said recited Act, until he shall have taken and subscribed an Oath, or made an Affirmation, in the form or to the effect

6.
Commissioners and Umpire to take an Oath.

following, before one of His Majesty's Justices of the Peace for the County, Riding, Division or place in which the Lands intended to be inclosed or some part thereof are situate, which Oath or Affirmation the said Justice is hereby empowered to administer; (that is to say)

Form of Oath.

"I, A. B., do swear, [*or, being one of the people called Quakers, do solemnly affirm,*] That I will faithfully, impartially and honestly, according to the best of my skill and judgment, execute and perform the several powers and authorities vested and reposed in me as a Commissioner [*or, an Umpire*] or Surveyor [*as the case may be*] by virtue of an Act passed in the _____ year of the reign of King WILLIAM the Fourth, intituled, 'An Act,' &c. [*here set forth the title of this Act,*] according to equity and good conscience, without favour or affection, prejudice or partiality to any person or persons whomsoever.

"So help me GOD." 15

[*Or, being a Quaker, omit the words "So help me GOD."*]

7.
Com-
mis-
sioners to give
Notice of
Meetings, &c.

And be it further Enacted, That the said Commissioner or Commissioners shall and they are hereby required to cause Notice in writing to be affixed to the respective Church Doors of the Parish, Township or Place wherein the Lands intended to be inclosed are situate, or if there be no Church, then on some conspicuous public place there; and also a like Notice to be published in some Newspaper circulating in the County wherein such Lands lie, of the time and place of his or their attendance or meeting, and of all other subsequent attendances or meetings for executing the powers hereby or in and by the said recited Act vested in him or them, Ten Days before any such meeting (meetings by adjournment only excepted); and if there be Two Commissioners, and not more than One of them shall attend at the time and place appointed for any such meeting, it shall be lawful for the Commissioner who shall attend such meeting, or the Clerk of the said Commissioners, to adjourn such Meeting to any future day not exceeding Fourteen Days from the day of adjournment; and such Clerk shall cause Notice of such adjournment to be given to the said Commissioners: Provided always, That all the Meetings of the said Commissioners shall be holden in one of the Parishes wherein the Lands to be inclosed are situate, or within Miles of the Boundaries of one of them.

8.
Mode in which
certain No-
tices are to be
given.

Provided always, and be it further Enacted, That all other Notices necessary or requisite to be given by the said Commissioner or Commissioners, shall be so given by affixing the same on the respective Church Doors of the several Parishes, Townships or Places wherein the Lands to be inclosed are situate, or if there be no Church, in some conspicuous public place in such Parishes, Townships or Places, and by Advertisement in a Newspaper circulating in the County wherein such Lands are situate.

And

And be it further Enacted, That out of the Money that shall arise for defraying the Expenses of executing this Act, there shall be paid to each of the Commissioners (if more than one), and to the Umpire who shall act in the execution thereof, as a recompense for his pains and trouble, the sum of Three Guineas for each and every day they shall respectively be employed in travelling to, returning from and attending in the execution of this Act, and no more; and at all Meetings to be held in pursuance of this Act the said Commissioners and Umpire shall, out of such allowance, defray their own Expenses; and there shall be paid to the Surveyor or Surveyors to be appointed for the purposes of this Act, such Allowances in respect of his or their services as the said Commissioner or Commissioners shall adjudge to be a full recompense and satisfaction for all his or their Expenses and Charges whatsoever in attending the said Commissioners, and in surveying and admeasuring the Lands and Grounds to be inclosed, and in planning and staking out the several Allotments intended to be made, and in making such Maps and Plans as may be required respectively by virtue of this Act.

9. 123
Allowance to Commissioners and Umpire.

And be it further Enacted, That if any of the Parties interested in the premises shall have any objection or objections to any of the Accounts or Claims which shall be delivered to the said Commissioner or Commissioners by virtue of the said recited Act or of this Act, such objection or objections shall be reduced into writing, and Two parts thereof shall be signed by the Party or Parties making the same, or by some person or persons on his, her or their behalf, and One part thereof shall be delivered to the Party or Parties whose Claim or Account shall be objected to, or to his, her or their agent, or left at his, her or their last and most usual place or places of abode, at such time or times as the said Commissioner or Commissioners shall appoint for that purpose.

10.
A Copy of Objections to be left with the Party objected to, or given to his Agent.

And be it further Enacted, That if any dispute or difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division, Allotment and Inclosure, touching or concerning the respective rights or interests which they or any of them shall claim to have in, to or out of the Lands and Grounds hereby authorized to be divided, allotted and inclosed, or touching or concerning any other matter or thing relating to the said Division, Allotment and Inclosure, it shall be lawful for the said Commissioner or Commissioners, and they are hereby authorized and required to examine into, hear and determine the same respectively; provided that nothing in this Act contained shall authorize the said Commissioner or Commissioners to determine the title to any manors, messuages, cottages, lands, tenements or hereditaments whatsoever.

11.
For settling disputes between Parties interested.

12.

Commissioners may award Costs.

And be it further Enacted, That in case the said Commissioner or Commissioners shall, upon the hearing and determination of any claim or claims, objection or objections to be delivered to them in pursuance of the said recited Act or this Act, see cause to award any Costs, it shall be lawful for the said Commissioners, and they are 5 respectively hereby empowered, upon application being made to them for that purpose, to settle, assess and award such Costs and Charges as they shall think reasonable to be paid, either for the public account, for or towards the Expenses occasioned in or relating to the investigation, settling and determining of such claim or claims, if 10 finally disallowed, or to the Party or Parties in whose favour any determination of the said Commissioner or Commissioners shall be made, by the person or persons, or body or bodies politic, corporate or collegiate, whose claim or objection shall be thereby disallowed or over-ruled, or against whom the said Commissioner or Commis- 15 sioners shall have determined as aforesaid; and in case the person or persons, body or bodies politic, corporate or collegiate, who shall be liable to pay such Costs, shall neglect or refuse to pay the same upon demand, it shall be lawful for the said Commissioner or Commissioners, and he and they are hereby authorized and required, by war- 20 rant under their hands and seals, directed to any person or persons whomsoever, to cause such Costs to be levied by distress and sale of the goods and chattels of the person or persons, or body or bodies politic, corporate or collegiate so neglecting or refusing to pay the same, rendering the overplus (if any) upon demand to such person or 25 persons, body or bodies politic, corporate or collegiate, whose goods and chattels shall have been so distrained and sold, after deducting the costs and charges attending such distress and sale.

13.

Appeal allowed when Parties are dissatisfied with Decision of the Commissioners.

Provided always, and be it further Enacted, That in case any Person or Persons, Body or Bodies politic, corporate or collegiate, interested 30 or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any determination of the said Commissioner or Commissioners or Umpire touching or concerning any claim or objection which shall be delivered to the said Commissioners in pursuance of the said recited Act or this Act, or touching 35 or concerning any property, right or interest intended to be affected by such determination, and shall cause notice in writing of such dissatisfaction to be delivered to or left at the usual places of abode of the Commissioner or Commissioners or Umpire making such determination, and of the Party or Parties in whose favour such determination 40 shall have been made, or his, her or their agent, within Thirty Days next after such determination shall have been notified in writing to the several Parties or Persons interested, it shall be lawful for such Person or Persons, Body or Bodies politic, corporate or collegiate, so dissatisfied and giving such notice as aforesaid, to bring

or

or cause to be brought an action or actions upon a feigned issue against the Person or Persons in whose favour such determination shall have been made, and to proceed to a trial at law of the matter so determined by the said Commissioners or Umpire at the then first
 5 or second Assizes to be holden for the County wherein the Lands relating to which such dispute shall arise are situate; and the Defendant or Defendants in such action or actions shall, and he, she and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto and file common bail, and accept one or more issue or
 10 issues, whereby such claim or claims, rights in question, and the property, right and interest thereby insisted upon, may be tried and determined; such issue or issues to be settled by the proper Officer of the Court in which the said action shall be commenced, in case the said Parties shall differ about the same; and the verdict or verdicts which shall be given
 15 upon the trial of such action shall be binding, final and conclusive, unless the Court wherein such action shall be brought shall set aside such verdict or verdicts, and order a new trial to be had thereon, which it shall be lawful for the said Court to do in case the said Court shall think proper; and after such verdict or verdicts shall be
 20 obtained and not set aside, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the claim, property, right or interest thereby determined according to the event of such trial or trials; and the costs and charges payable by the said Commissioner or Commissioners in or relating to such action
 25 or actions shall be paid and discharged out of the monies to be raised by him or them for the purposes of this Act: Provided always, That if no such notice shall be given, and such action or actions at law shall not be commenced as aforesaid, or if any such action shall be commenced and the Plaintiff or Plaintiffs therein shall not proceed to
 30 trial within the time hereinbefore limited for that purpose, then the determination of the said Comissmioner or Commissioners or Umpire shall be final, binding and conclusive to all intents and purposes whatsoever: Provided always, That if any of the Parties in any such action to be commenced as aforesaid shall die before the determination thereof,
 35 such action shall not abate by reason thereof, but shall be proceeded in as if no such event had happened, and that no difference, suit or proceeding as aforesaid, nor any difference or dispute touching the title to any lands, tenements or hereditaments shall impede or delay the said Commissioner or Commissioners in the execution of the
 40 powers of this Act, but the Division, Allotment and Inclosure hereby authorized to be made shall be proceeded in, notwithstanding any such difference or proceeding.

Provided always, and be it further Enacted, That if any Person or Persons in whose favour such determination as aforesaid shall have been made, and against whom any such action or actions might have

14.
Death of
Parties not to
abate Actions.

been brought if living, shall die before any such action or actions shall have been brought, and before the expiration of the time hereinbefore limited for bringing such action or actions, it shall be lawful for the Person or Persons, Body or Bodies politic, corporate or collegiate, who might have brought such action or actions against the Person or Persons so dying, to bring the same within the time so limited as aforesaid against such Person or Persons as aforesaid as if actually living, and to serve the Clerk of the said Commissioner or Commissioners with process for commencing such action or actions in the same manner as the Party or Parties so dying might have been served therewith if living ; and it shall thereupon be incumbent upon the Heir or Heirs or other Person or Persons who shall claim the benefit of such determination as aforesaid, to appear and defend such action or actions in the name or names of the Person or Persons so dead ; and proceedings shall be had therein in the same manner as if such Person had been actually living, and the rights of all parties shall be equally bound and concluded by the event of such action or actions.

15.
Commiss-
sioners not to
determine
rights between
Parties except
in cases of
Encroach-
ments.

Provided also, and be it further Enacted, That nothing in this Act contained shall extend to enable the said Commissioner or Commissioners to determine any right between any Parties contrary to the possession of any such Parties, except in cases of encroachments made within the period of Twenty Years next preceding the passing of this Act ; but in case the said Commissioner or Commissioners shall be of opinion against the right of the Person or Persons so in possession, they shall forbear to make any determination thereupon, until the possession shall have been given up by, or taken from, such Person or Persons by ejectment or other due course of Law.

16.
Encroach-
ments made
within 20
Years to be
deemed part
of the Land
to be allotted.

And be it further Enacted, That all Encroachments or Intakes which at any time within Twenty Years next preceding the date of the Agreement for any such Inclosure have been made upon the said Lands and Grounds hereby authorized to be divided and inclosed, shall be deemed and considered part and parcel of the Lands and Grounds to be allotted and inclosed by virtue of this Act, as if the same were actually lying open and uninclosed, and shall be divided and allotted accordingly ; and in case any dispute or difference shall arise touching any such Encroachments or Intakes, or as to the extent thereof, such dispute or difference shall be determined by the said Commissioner or Commissioners.

17.
Lands in-
closed for
more than
20 years,
shall be
deemed to
be Ancient
Inclosures.

Provided always, nevertheless, and be it further Enacted, That all Lands which shall have been inclosed from the Open Fields, or any of them, for more than Twenty Years next preceding the date of the Agreement for such Inclosure, shall for the purposes of this Act be deemed and taken to be Ancient Inclosures.

And

18. 127
Compensation
to be made
for Standing
Crops.

And be it further Enacted, That the said Commissioner or Commissioners shall by some writing or writings under their hands, ascertain, order and appoint what recompense and satisfaction in money shall be made to the Owner or Owners of any Crops growing at the time of the
5 said intended Division and Allotment for the said Crops, by the Person or Persons to whom the Lands on which such Crops are growing shall be allotted, and also what recompense and satisfaction in money shall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of Lands to be inclosed as aforesaid, as well for the ploughing,
10 tilling and manuring of any Lands or Grounds which shall be allotted to some other Person or Persons, and for the profit or advantage which any such Person or Persons, to whom the said Lands and Grounds shall be allotted, will obtain thereby, as for any loss or disadvantage which any such Tenant or Tenants, Occupier or Occupiers,
15 shall or may sustain by the loss of any following or way-going Crop, in any of the Open Fields by this Act authorized to be divided, allotted and inclosed; or by means of the said Division, Allotment and Inclosure; and if in any or either of the said cases last mentioned, such recompense and satisfaction shall not be made at the time and in the manner
20 to be appointed by the said Commissioner or Commissioners, then the said Commissioner or Commissioners shall and may, by any Warrant or Warrants under his or their hands and seals, directed to any Person or Persons whomsoever, (which Warrant or Warrants he or they are hereby authorized and empowered to grant accordingly,) cause the
25 same to be levied by distress and sale of the goods and chattels of the Person or Persons required to make such recompense and satisfaction as aforesaid, together with the costs and charges of such distress and sale, rendering the overplus, if any, to the Owner or Owners of such goods and chattels.

19.
Commissioners to
direct the
Course of
Husbandry to
be followed.

And be it further Enacted, That the said Commissioner or Commissioners shall, as soon after his or their appointment as conveniently may be, by some writing or writings under his or their hands to be affixed on the principal outer doors of the several and respective Parish Churches in which the Lands to be inclosed are situate, or if there be
35 no Church, in some conspicuous place in the township or place where such Lands shall be, order and direct the course of Husbandry that shall be used in, over and upon the Open Arable Fields to be divided, allotted and inclosed by virtue of this Act, until the time when he or they shall have made and completed the intended Division and Allotment thereof, as well with respect to breaking up and the laying down,
40 as the ploughing, sowing, fallowing and tilling the same Lands and Grounds; and by the same or any other writing or writings under his or their hands to be affixed as aforesaid, shall and may make such orders and regulations touching the conduct of the Owners and Occupiers of the same Lands and Grounds for the preventing the committing

ting of waste or destruction by any Person or Persons whomsoever upon any of the Lands and Grounds to be divided and allotted by virtue of this Act, in the mean time and until the Allotments and Divisions thereof shall be effected, as to the said Commissioner or Commissioners shall seem expedient; all which orders and regulations of the said Commissioners shall be binding and conclusive upon all parties interested therein, their farmers and tenants; and that the said Commissioners shall set and impose such pecuniary penalties and forfeitures upon every person not conforming to such orders and regulations as they shall think necessary, not exceeding Five Pounds per acre; all which penalties and forfeitures shall be paid to such Person or Persons, and for such uses and purposes as the said Commissioner or Commissioners shall by any such writing or writings as aforesaid, or any other writing or writings, direct or appoint; and the said Commissioner or Commissioners are hereby authorized and required to raise and levy the same for the use of the Person or Persons he or they may consider entitled thereto, by such ways and means as the costs, charges and expenses of carrying this Act and the said recited Act of the forty-first year of the reign of his late Majesty King GEORGE the Third into execution may be raised and levied.

20.

Cattle not to be allowed to graze on inclosed Lands for Seven Years.

Provided always, and be it further Enacted, That it shall not be lawful for any Person or Persons, at any time or times within the space of Seven Years next after the making and executing the Award of the said Commissioners, to graze or keep any sort of Cattle whatsoever in any of the private roads to be set out by virtue of this Act, and which shall be directed by the said Commissioner or Commissioners to be fenced.

21.

Commissioners to allot Lands to be inclosed.

And be it further Enacted, That the said Commissioner or Commissioners shall apportion, divide, set out and allot the said Open and Common Fields authorized by this Act to be divided, allotted and inclosed unto and amongst the several Proprietors thereof and persons interested therein, in proportion to their respective shares, rights, property and interest, and in proportion to the true and real value of their several shares, rights, property and interests, and in lieu and full satisfaction of and for such their said several shares, rights, property and interests, to be ascertained and adjusted by such ways and means and in such manner as to the said Commissioners shall seem just and expedient, but subject to the rules, orders and regulations herein contained or referred to and authorized to be established concerning the same.

22.

Empowering Rectors to erect Buildings on Lands allotted in right of Glebe.

AND whereas the Allotments made to any Rector or Vicar who may be entitled to any glebe lands in such Open and Common Arable Fields, or some of such Allotments, may probably require some additional Buildings, by reason whereof, and in order to render the same of greater value

value to the said Rectors and Vicars respectively, and their respective successors, it may be necessary that some Buildings should be erected thereon, and some necessary division as well as interior or subdivision fences may be necessary to be made, planted and raised in and upon the said Allotments or some of them: AND whereas the erecting of such further Buildings, and the making, planting and raising such fences will be attended with considerable expense, and as the same will probably be more beneficial to the successors of such Rectors and Vicars respectively than to the Rector and Vicar in whose incumbency such Allotment and Inclosure may take place; BE it therefore further Enacted, That it shall and may be lawful to and for the said Rectors and Vicars respectively, and their respective successors, by and with the consent in writing of the respective Patrons of the said Rectories and Vicarages, and of the Ordinary of the Diocese for the time being, to erect or cause to be erected such further Buildings and Conveniences upon the Allotment or Allotments (which Buildings and Conveniences the said Rectors and Vicars respectively, and their respective successors, are hereby required to cause to be insured equal to the value thereof, annually, in some of the Offices in *London* established for Insurance against Fire,) so as aforesaid to be set out unto the said Rectors and Vicars and their respective successors as aforesaid; and also to make, plant and raise such outer division, as well as interior or subdivision fences in and upon the said Allotment or Allotments, as the said Commissioner or Commissioners shall judge necessary and proper for the occupation of the Lands so to be allotted to the said Rectors and Vicars respectively, and their respective successors, and by any Deed or Deeds, Writing or Writings, under the respective hand and seal of such Rectors or Vicars respectively; and their respective successors, and attested by Two or more credible Witnesses, by and with the consent in writing of the Bishop of the Diocese for the time being, to charge such Allotment or Allotments so as aforesaid to be set out for the said Rectors and Vicars respectively, and their respective successors as aforesaid, and the Buildings and Conveniences so to be erected thereon, with such sum or sums of money, not exceeding in the whole Two Years' annual value of the respective Allotments so to be set out to the said Rectors and Vicars respectively, as the said Commissioners shall think necessary for the purposes of and in order to be applied to paying and defraying the charges and expenses of erecting the said further Buildings and Conveniences, and of making, planting or raising such division or subdivision fences, or for either of the said purposes, and in applying for and obtaining the consent of the said Bishop, and in exercise of the powers given to and vested in the said Rectors and Vicars respectively by virtue of this Act and the said recited Act; which sum or sums of money shall be paid to such person or persons as the said Commissioners shall nominate and appoint, in

order to be applied or disposed of accordingly ; and for securing the repayment of such sum or sums of money with interest for the same, to grant, mortgage, lease or demise the Allotments so as aforesaid to be set out unto and for the said Rectors and Vicars respectively, and their respective successors as aforesaid, and the Buildings and Conveniences so to be erected thereon, unto such person or persons who shall advance and lend the same, his, her and their executors, administrators or assigns, for any term or number of years, so that every such grant, mortgage, lease or demise be made with a proviso to cease and be void, or with an express trust to be surrendered when the sum or sums of money thereby to be secured, with the interest thereof, shall be respectively fully paid and satisfied ; and such Mortgagee or Mortgagees advancing and lending the money so to be borrowed, shall not be obliged to see to the application or be in anywise answerable for the misapplication of such monies or any part thereof ; and the said Rectors and Vicars respectively, and their respective successors for the time being, shall be and are hereby required and made liable, at the end of every year after the date of such mortgage to pay to the person or persons to whom such grant, mortgage, lease or demise shall be made, his, her or their executors, administrators or assigns, One-twentieth part of the respective principal monies so to be borrowed, until the whole thereof shall by such annual payments be paid off and discharged ; and also to pay and keep down the interest of the said respective monies so to be borrowed, so that the future Rectors and Vicars of the said respective Parishes or Townships becoming possessed of such respective lands and grounds, shall not be subject or liable (and they are hereby respectively discharged from being subject or liable) to pay any further or larger share of such monies than his or their proportion thereof, according to such last-mentioned condition, or any interest for the same, save only from the day of the death, resignation or cession of the preceding Incumbent of the said Rectories or Vicarages respectively ; and that it shall and may be lawful to and for the person or persons who shall advance and lend such monies, his, her or their heirs, executors, administrators and assigns, for the more easily recovering the said One-twentieth part of the said principal, and the whole of the interest which is enacted annually to be paid, to have, use, exercise and take such and the same powers and remedies, by entry and distress upon the premises so to be charged, mortgaged and demised, and sale of such distress as by the Laws now in force are provided for and given to landlords, or as they can use and take for the recovery of rack-rents in arrear.

23.
Rectors, with
consent of
Bishop, may
demise the
Allotments.

And be it further Enacted, That it shall and may be lawful for the Rectors of the said Rectories, and the Vicars of the said Vicarages respectively for the time being, by Indentures under their respective hands

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hands and seals, with the consent and approbation of the Bishop of the Diocese for the time being, and of the Patron of the said Rectories and Vicarages, to lease and demise all or any part of the Allotments to be set out and allotted to them respectively by virtue of this Act, to any Person or Persons whomsoever, for any term not exceeding Twenty-one Years, to commence within Twelve calendar Months from the setting out and making of such Allotments respectively, so that the Rent or Rents for the same shall be thereby reserved to such Rectors and Vicars for the time being, by Four equal quarterly payments in every Year, and so that there be thereby reserved to such Rectors and Vicars the best and most improved Rent or Rents that can be reasonably gotten for the same, without taking any fine, foregift, premium, sum of money or other consideration for granting any such Lease, and so that no such Lessee by any such Lease or Demise be made punishable for waste by any express words to be therein contained, and so that there be inserted in every such Lease power of re-entry on nonpayment of Rent or Rents, to be thereby reserved within a reasonable time to be therein limited, after the same shall become due, and so that a counterpart of such Lease be duly executed by the Lessee or Lessees to whom such Lease shall be made as aforesaid; and every such Lease shall be valid and effectual, any law or usage to the contrary notwithstanding.

Provided always, and be it further Enacted, That in case, through the necessity of situation or any other accident or circumstance, it shall happen that one or more of the said Proprietors shall not have an equal or proportionable quantity of Boundary Mounds or Fences allotted to him, her or them on the said intended Inclosure, it shall be lawful for the said Commissioner or Commissioners, when he or they shall judge it necessary and reasonable, to award, order, ascertain and appoint what sum or sums of money such Proprietor or Proprietors shall respectively pay and contribute towards making the Mounds and Fences of the Allotments of such other Proprietor or Proprietors who shall or may have too great a proportion of Mounding or Fencing allotted to him, her or them by virtue of this Act; the same to be settled by the said Commissioner or Commissioners in such manner as he or they shall order, direct or appoint; and the money so ordered, directed or appointed to be paid, shall be raised, levied and recovered in such and the same manner as the other expenses of this Act are herein or by the said recited Act ordered and directed to be levied and recovered.

24.
Commissioners in certain cases to apportion Expenses of erecting Boundary Fences.

Provided always, and be it further Enacted, That nothing in this Act contained shall extend or be construed or adjudged to extend to revoke, make void, alter or annul any Settlement, Deed, Will or Lease, or to prejudice any Person having any right or claim of Dower,

25.
Act not to affect Settlements.

Jointure, Annuity, Rent Charge, Debt or Incumbrance whatsoever, in, out of, upon or affecting any of the Lands, Tenements or Hereditaments hereby authorized to be divided and allotted, or which shall be exchanged or assigned in compensation for any other estate or right in pursuance of this Act; but as well the Lands allotted as the Tenements or other Hereditaments which shall be assigned in exchange or as a compensation for any other estate or right, shall immediately after such allotment, exchange or assignment shall be made, be vested, remain and enure, and the several persons to whom the same shall be allotted, assigned or given in exchange as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively, to, for and upon such and the same uses, estates, intents, trusts and purposes respectively, and subject and liable to such and the same wills, settlements, limitations and remainders, conditions, charges, tenures, rents, services and incumbrances as the several Lands, Tenements and Hereditaments in respect whereof such allotments, assignments and exchanges shall have been made, should or would have stood severally limited, settled, or subject or liable to, or been held by, in case the same had not been allotted, assigned or exchanged, and this Act had not been made or acted upon; save and except such rents and services as shall have been compensated for and extinguished, and such Leases and Tenancies at rack rents as shall become void by virtue of this Act, and subject nevertheless to all such Mortgages and Sales as shall be made by authority of this Act, or of the said Act of the forty-first year of the reign of his late Majesty King GEORGE the Third.

26.

Leases at
Rack Rent
may be
voided.

Provided also, and be it further Enacted, That all Leases, Agreements and Tenancies at rack rent subsisting of any part or parts of the Lands and Grounds hereby authorized to be divided, allotted and inclosed at the time of the first appointment of any Commissioner or Commissioners for the Inclosure thereof, or which shall be exchanged in pursuance of this Act, shall, so far only as respects the Lands hereby authorized to be divided and allotted or exchanged, cease and be void at such time or times as the said Commissioner or Commissioners shall by writing under his or their hands direct or appoint, so as the respective Lessors or Landlords of such Lands or Tenements do, before or at the respective times at which such Leases or Tenancies shall be directed to cease, make and pay such satisfaction to the respective Lessees or Tenants, for the loss which shall be sustained by the determination of such Leases respectively, so far as regards the said Lands, the Tenancy and Leases whereof are hereby authorized to be determined, as shall be mutually settled and agreed between them, or as the said Commissioner or Commissioners being required by either of the Parties shall ascertain and direct; and the said Commissioner or Commissioners, being so required, are hereby empowered and directed to apportion a reasonable and proportionable

able part, according to the season of the year, of the Rent reserved on any such Lease or Agreement, for or in respect of the time which shall have elapsed between the last day on which any payment of the Rent shall have become due, and the determination of any such

5 Lease or Agreement; and such part of the Rent shall be recoverable by such ways and means as may by Law be used for the recovery of Rent in arrear; and the said Commissioners are hereby empowered and directed in every case where such Lands or other Hereditaments shall be held by virtue of such Lease or Agreement, together with

10 other Lands or Hereditaments, by one entire Rent, to apportion and determine what part of such Rent shall be deducted in respect of such of the Lands or other Hereditaments in such Lease or Agreement comprised, as to which the same shall be determined as afore-

15 said, and from what time such deduction shall take place; and the rest of the Rent reserved on any such Lease or Agreement shall, during the remainder of the Term thereof, be the Rent of and for the residue of such Lands and Hereditaments, and shall be payable and recoverable in like manner as the entire Rent reserved by such Lease or Agreement shall, immediately before such apportionment, be

20 payable and recoverable.

And be it further Enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Lands, Tenements or Hereditaments whatsoever, within the parishes, townships or places in which the Lands to be allotted and inclosed are situated, or any of

25 them, in lieu of and in exchange for any other Lands, Tenements or Hereditaments within the same parishes, townships or places respectively, or any of them, or within any parish, township or place adjoining to the said parishes, townships or places respectively, or any of them; provided that all such exchanges shall be ascertained,

30 specified and declared in the Award of the said Commissioner or Commissioners, and be made with the consent of the proprietor or proprietors of the hereditaments and premises which shall be so exchanged, whether such proprietor or proprietors shall be a body or bodies politic, corporate or collegiate, corporation aggregate or sole,

35 rector, parson, vicar or other ecclesiastical person or persons, or a tenant or tenants in fee-simple or for life, or in fee-tail, special or general, or by the courtesy of *England*, or for years determinable on any life or lives by and with the consent of the lessor or lessors, but not otherwise, or with the consent of the guardians, husbands,

40 committees or attornies of or acting for any such proprietor or proprietors who, at the time of making such exchange or exchanges, shall be respectively infants, femmes covert, idiots, lunatics, or under any other legal disability, or who shall be beyond the seas, or otherwise disabled to act for themselves, himself or herself, or of the trustees or feoffees for charitable, parochial or other uses, or of the

375. c person

27.
Exchanges
may be made.

person or persons having power to sell and dispose of the premises which shall be so exchanged (such consent to be testified in writing under the common seal of the body politic, corporate or collegiate, and under the hands of the other consenting parties respectively); and all and every such exchange and exchanges so to be made respectively shall be good, valid and effectual in the law to all intents and purposes whatsoever: Provided nevertheless, That no exchange shall be made of any Lands, Tenements and Hereditaments held in right of any church, chapel or other ecclesiastical benefice, without the consent testified as aforesaid of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements and Hereditaments shall be situate.

28.
Allotments to
be under the
same Tenure
as the Lands
in respect of
which they
are allotted.

Provided always, and be it further Enacted, That the Lands, Grounds and Hereditaments which shall be allotted by virtue of this Act shall be held in like manner, under and by virtue of the same terms and rents, and shall be thereafter deemed to be of the same quality as the Lands, Tenements or Hereditaments, in respect of which such Allotment or Allotments shall be made, were held or deemed to be of, immediately before the making of every such Allotment respectively.

29.
For defraying
Expense of
Exchanges.

Provided also, and be it further Enacted, That all Costs, charges and expenses attending the making any exchanges and partitions shall be paid and borne by the several persons making such exchanges and partitions, in such manner and in such proportions as the said Commissioner or Commissioners shall, by any writing under his or their hands, order and direct.

30.
Ditches may
be widened.

And be it further Enacted, That the said Commissioner or Commissioners shall and may scour out, widen and alter all such ancient ditches, drains, watercourses, tunnels, gates and bridges in the respective Open Common Arable Fields (or any one of them) hereby authorized to be allotted and inclosed, and also shall and may set out, widen and make any new ditches, drains, watercourses, tunnels, gates and bridges in, through and over the Lands and Grounds hereby authorized to be divided, allotted and inclosed (the expenses thereof to be raised and defrayed as the other expenses of executing the powers of this Act are herein directed to be raised and defrayed), and of such breadth, depth and dimensions, and in such directions as the said Commissioners shall think proper; and the said Commissioner or Commissioners shall and may, and they are hereby directed and required, in and by their Awards, to order and determine by whom and at whose expense, and at what time and in what manner the said ditches, drains, watercourses, tunnels, gates and bridges shall be afterwards cleansed, scoured and maintained; and also shall and may direct,

direct, order and award all or any of the streams, springs and water-courses within the said Lands and Grounds hereby authorized to be divided, allotted and inclosed, to be carried, diverted and turned into such courses, and through, over and across such parts of the
 5 Lands and Grounds hereby authorized to be divided, allotted and inclosed, as they the said Commissioners shall in their discretion judge proper for the draining or watering the several Allotments so to be made as aforesaid.

And be it further Enacted, That it shall and may be lawful for
 10 any Person or Persons interested in the said Allotments, at any time to mortgage, sell, demise or dispose of all such estate, right, title, interest and property which he, she or they shall then have in or to the said Open Common Arable Fields (or any one of them), and of the Allotments set out in lieu thereof, before the execution of the Award of
 15 the said Commissioner or Commissioners; and it shall be lawful for the said Commissioner or Commissioners, and he or they are hereby authorized and required, upon the conveyance or other instrument, by which such sale or disposition is confirmed, being produced to them, and the execution thereof proved to their satisfaction, to allot the same
 20 to the Purchaser or Purchasers thereof respectively; and if not so allotted, such conveyance or other instrument shall be valid and effectual in law, notwithstanding it may have been so made before the execution of the said Award.

31.
 Persons interested in Allotments may sell the same.

And be it further Enacted, That it shall be lawful for the said
 25 Commissioner or Commissioners, in case he or they shall be requested by writing under the hand or hands of any Person or Persons being tenant for life, or other person being in possession of, but not having the absolute estate or interest in any Lands hereby authorized to be allotted and inclosed, to sell and dispose of any part or parts of the
 30 Allotment or Allotments belonging to such Person or Persons, for the purpose of defraying his, her or their shares of the costs, charges and expenses of putting into execution this Act and the said recited Act of the forty-first year of the reign of his late Majesty King GEORGE the Third, and the expenses of fencing, ditching, subdividing and
 35 inclosing such Allotment or Allotments; and the said Commissioners shall accordingly sell such part or parts of such Allotment or Allotments, either by private contract or public auction, as they shall think proper, to such Person or Persons as shall be willing to purchase the same, and shall convey the same to such purchaser or purchasers
 40 by any deed under their hands and seals; and the receipt of the said Commissioners for such money shall be a full and complete discharge to such purchaser or purchasers for such purchase money; and the said Commissioners shall apply the purchase money in or towards the payment of such expenses, and in fencing, ditching, subdividing and inclosing the said Allotment or Allotments respectively; but such

32.
 Tenants for Life empowered to sell part of Allotments to defray Expenses.

purchaser or purchasers shall not be liable to see to the necessity or expediency of such sale, nor be answerable nor accountable for the misapplication of such purchase money ; and upon the payment of such purchase money or purchase monies into the hands of the said Commissioner or Commissioners, the Lands so to be sold as last aforesaid shall immediately thereupon be vested in fee-simple in possession (if such Allotment or Allotments is or are made in right of freehold) in the purchaser or purchasers thereof ; and the same shall be thenceforth held in severalty by such purchaser or purchasers thereof respectively, as his, her or their private property, and shall be allotted accordingly by the said Commissioner or Commissioners.

33.
When Allotments to a Tenant for Life are in different Parishes, Commissioners may sell the Land in one Parish to defray Expenses attending the other portion of the Allotment.

Provided always, and be it further Enacted, That where any Allotment or Allotments so to be made to any Person or Persons being tenant for life or in tail, or other Person being in possession, but not having the absolute estate or interest in any Lands hereby authorized to be allotted and inclosed, which stand limited to the same uses, shall be situated partly in one and partly in another parish or township, or place, it shall and may be lawful to and for the said Commissioner or Commissioners, in case they shall be requested, as last hereinbefore mentioned to sell and dispose of, and to convey and assure to the purchaser or purchasers thereof, any part or parts of the said Allotments belonging to such Person or Persons, in any one or more of the said parishes, townships or places, in manner in that behalf hereinbefore mentioned, as well for the purpose of defraying his, her or their share or shares of the costs, charges and expenses of putting into execution this Act and the said recited Act, and the expenses of fencing, ditching, subdividing, and draining such Allotment or Allotments in respect of such of the said Lands as are situated within the same parish wherein the said Allotment or Allotments so sold may be situated, as, for and in respect of such of the said Lands or other Hereditaments or Allotments as may be situated in any other township or place : Provided always, That it shall not be lawful to raise by such sale any further or greater sum of money than the Person or Persons, part of whose Allotment or Allotments may be sold or disposed of, would have been empowered and authorized to borrow or charge upon his, her or their Allotment or Allotments, under or by virtue of the said recited Act or this Act, reckoning Five Pounds for each and every acre of such Allotment or Allotments.

34.
Not to charge Lands with Expenses, unless the sum to arise by the Sale shall be less than 5l. per Acre.

Provided always, and be it further Enacted, That it shall not be lawful for the Proprietor or Person from whose Allotments Lands shall be as aforesaid deducted, to charge his, her or their Lands or Hereditaments, by virtue of the said recited Act or this Act, with any money towards payment of such expenses, unless the money to arise by such sale shall be less than the sum of Five Pounds per acre ; and then and in such case it shall be lawful for such Person or Persons to charge his, her

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her or their estate or estates with, or to raise by mortgage thereof or other means or ways as mentioned in the said recited Act or this Act, such further sum of money as may be necessary for the payment of the expenses of executing this Act, and subdividing the said Allotments, as, together with the value of the Lands so deducted, shall not exceed the amount that might be borrowed and charged on the Lands to be divided and allotted at the rate of Five Pounds for each and every acre.

And be it further Enacted, That the charges and expenses of surveying, valuing, planning, measuring, dividing and allotting the said Open and Common Fields hereby authorized to be divided, allotted and inclosed, and of fencing the Lands of the Persons from whom a deduction of Land shall be made as hereinbefore directed, and also the expenses of preparing and enrolling the Awards of, and the allowances and payments to be made to the said Commissioner or Commissioners, Umpire and Surveyors respectively as hereinbefore directed, and all other charges and expenses incident to or attending the carrying this Act into execution shall be paid, borne and defrayed by all the Proprietors of the Lands and Hereditaments so authorized to be divided, allotted and inclosed or exchanged, in such proportions as the said Commissioner or Commissioners shall settle, adjust and determine, to be paid at such time or times, and to such Person or Persons as they the said Commissioner or Commissioners shall order and direct; Notice thereof in writing under their hands being given Thirty Days before the time such payment shall be required.

35.
For Payment
of Expenses
of measuring,
dividing, al-
lotting and in-
closing Open
and Common
Lands.

And be it further Enacted, That once at least in every year, to be computed from the first appointment of such respective Commissioner or Commissioners, the Accounts of the said Commissioners, Commissioner or Umpire, containing a true statement of all and every Sum and Sums of Money by them received and expended, or due to them for their trouble and expense in the execution of this Act and the said recited Act of the forty-first year of the reign of his late Majesty King GEORGE the Third, until such Account shall be finally settled, shall, together with the Vouchers relating to the same, be by them laid before one of his Majesty's Justices of the Peace for the County in which the Lands to be inclosed, or the greater part of them, shall be situated, to be by him examined and balanced; and such balance shall be stated in the Books of Account to be kept in the Office of the Clerk of the said Commissioners, and no charge or item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall be so allowed.

36.
Commis-
sioners to
account.

And be it further Enacted, That the said Commissioner or Commissioners, shall make and execute Awards, with Maps or Plans thereto

37.
Awards.

thereto annexed, and shall cause the same to be enrolled in manner directed by the said recited Act; and such Awards shall be deposited in the respective Parish Churches of the Parishes wherein the Lands so to be allotted and inclosed, or the greater part thereof, are situated.

38.
Provisions of
Act 41 Geo. 3,
where not
altered or re-
pealed, ex-
tended to this
Act.

And be it further Enacted, That all and every the Clauses, Provi- 5
sions and Enactments contained in the said Act of the forty-first year
of the reign of King GEORGE the Third, or such of them as are ap-
plicable to and consistent with the purposes and object of this Act,
shall and may be in full force and effect for carrying into effect the
Allotments, Division, Enclosures and Exchanges hereby authorized 10
to be made, as fully and effectually as if such Clauses, Provisions and
Enactments had been herein repeated and re-enacted, and had been
made part of this Act, with such alterations and variations as would
adapt them and render them applicable to the object and purposes of
this Act. 15

39.
Appeal to
Quarter Ses-
sions, where
Parties think
themselves
aggrieved.

And be it further Enacted, That it shall be lawful for all Persons
who shall think themselves aggrieved by any thing done by virtue of
this Act or the said recited Act (except in cases where the things so
done are herein or by the said Act of the forty-first year of his late
Majesty King GEORGE the Third, declared to be final, binding and 20
conclusive) to appeal to the General Quarter Sessions of the Peace
which shall be held in and for the County, Riding or Division wherein
the Lands, or the greater part thereof, in respect of which the matter
of complaint may arise, shall be situated, or any adjournment thereof,
within Six calendar Months next after the cause of complaint shall 25
have arisen, first giving or causing to be given Twenty-eight Days'
notice thereof in writing to the said Commissioner or Commissioners, or
one of them, or to the parties intended to be appealed against; and the
Justices at their said Quarter Sessions, or any adjournment thereof, are
hereby authorized and required to hear and determine the matter of 30
every such Appeal, and to make such Order therein, and to award
such Costs as to them in their discretion shall seem meet, and by their
Warrant to levy the Costs awarded by distress and sale of the goods
and chattels of the parties respectively adjudged to pay the same,
rendering the overplus (if any) to the respective owners of such goods 35
and chattels, after deducting the reasonable charges of such distress
and sale; and every determination of the said Justices shall be final
and conclusive on all parties concerned; and no such complaint, ap-
peal or proceeding shall be removed or removable by Certiorari or any
other writ or proceeding whatsoever into any of His Majesty's Courts 40
of Record at *Westminster* or elsewhere; but in case such appeal shall
appear to the said Justices to be frivolous, vexatious or without founda-
tion, then the said Justices shall award such costs to be paid by the
Appellant or Appellants as to them in their discretion shall seem
reasonable, and to be levied in manner aforesaid.

Provided

Provided always, and be it further Enacted, That nothing in this Act contained shall prejudice, lessen or defeat the right, title or interest of the respective Lords for the time being of any Manors in or to any of the royalties or seignories, fisheries, manorial and other rights, customs and services incident or belonging to the said respective manors, or any of them; but that such respective Lords, and all and every person and persons claiming in trust for him or them as such respective Lords for the time being of the said several and respective manors, shall and may at all times for ever hereafter have, hold, receive, take and enjoy all rents, services, courts, perquisites and profits of courts, fines, goods and chattels of felons and fugitives, felons of themselves, and put in exigent deodands, waifs, estrays and forfeitures, privileges and jurisdictions of their several and respective manors, to the respective Lords thereof, or any person or persons claiming under him or them, incident, belonging or appertaining, except in respect of any Land or Estate for which compensation is hereinbefore authorized to be made, in as full, ample and beneficial manner to all intents and purposes as the same might or ought to have been held and enjoyed in case this Act had not been passed.

~~Saving always~~ to The KING's most Excellent MAJESTY, His heirs and successors, and to all and every other person and persons, bodies politic and corporate, ecclesiastical and civil, his, her or their respective heirs, successors, executors and administrators (other than and except the persons to whom any Allotment or Compensation shall be made by virtue of this Act, in respect of the interest or property for which such Allotment or Compensation shall be made to them in respect of such right, and except such other rights and interests as the intents and purposes hereby authorized shall absolutely require to be barred, destroyed or extinguished by this Act, and all persons respectively claiming under them, or in remainder after them), all such estate, right, title, interest, claim and demand as they, every or any of them had or enjoyed, of, in, to or out of the said Open and Common Fields hereby authorized to be divided, allotted and inclosed before the passing of this Act, or the carrying the powers thereof into execution, or could or might have held or enjoyed in case this Act had not been made, or the powers thereof had not been carried into execution.

Common Fields Inclosure.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

For facilitating the Inclosure of Open and
Arable Fields in *England and Wales*.

(Prepared and brought in by

Mr. Anderson Pellam and Mr. Benett.)

Ordered, by The House of Commons, to be Printed,

24 June 1836.

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A

B I L L

[AS AMENDED ON RE-COMMITMENT]

For facilitating the Inclosure of Open and Arable Fields
in *England* and *Wales*.

[*N.B.—The Clause marked (A.) was inserted on the Re-commitment.*]

WHEREAS Lands consisting of Open and Common Arable Lands, Meadows and Pasture Fields frequently lie very much intermixed and dispersed, and it would tend to the improved cultivation of such Lands, and be otherwise advantageous to the Proprietors thereof, if they were enabled by a general Law to divide and inclose the same: AND whereas an Act was passed in the forty-first year of the reign of his late Majesty King GEORGE the Third, intituled, “An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the mode of proving the several Facts usually required on the passing of such Acts;” BE it therefore Enacted, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act it shall be lawful for Two-third parts in number and value (such value to be ascertained as hereinafter mentioned) of the several Persons who shall be seised or possessed of or entitled or interested in possession to or in any Open and Common Arable Meadow or other Fields in *England* or *Wales* (including any Slips or Balks therein, and any detached or intermixed portions of untilled Land, being part of such Fields) as Tenant in fee-simple, or as a Copyholder, Customary holder or in fee-tail, general or special, or for life or lives, or by the courtesy of *England*, or for any other Estate of or as of Freehold, or for years determinable on any life or lives, or for any term of years whereof One hundred Years shall be unexpired, and for the Guardian, Trustee, Feoffee for charitable or other uses, Husband or Committee of such Person who at the time of any agreement for or on the making of

Preamble.

1.
Open or Common Arable Lands may be inclosed with the Consent of Two-third Parts in value of the Parties interested therein.

any Inclosure authorized by this Act shall be an Infant, Idiot, Lunatic or Feme Covert, or under any other disability, in such manner and with such consent as is hereinafter mentioned, to inclose such Open and Common Arable Meadow or other Fields, or any of them: Provided, That no such Inclosure shall take place without the consent in writing 5 under the hands of Two-third parts in number and value of the Persons so seised, possessed or entitled as aforesaid, or of the Guardians, Trustees, Feoffees, Husbands or Committees aforesaid of such of the said Persons who may be under disability as aforesaid, such value to be ascertained by the Assessments of the Poor Rates 10 of the respective Parishes or Townships for the then current year; and where the Lands are Extra-parochial, or no Poor Rates shall exist in respect of any such Lands, then by an Annual Value thereof, reduced to the same scale or proportion of the actual Value as other Lands intended also to be inclosed in conjunction 15 therewith are assessed upon to the Poor Rates of any Parish or Township (if any) where such other Lands in conjunction with which such Inclosure is intended to be made shall be situate: Provided also, That no such Inclosure shall take place, nor shall any agreement for that purpose be binding, until a public meeting of the Proprietors and 20 Persons interested in the Lands intended to be inclosed shall have been previously called for the purpose of taking the expediency of such Inclosure into consideration, by notice under the hands of Three or more of such Proprietors or Persons interested, such Notice to be affixed on the principal outer Door of the Chùrch or 25 Chapel of the Parishes, Townships or Places wherein the Lands intended to be inclosed shall lie, or in case there be no such Church or Chapel, then on the Door of the Church or Chapel of some adjoining Parish or Township, and also advertised in some Newspaper circulating in the County wherein such Lands lie, at least Fourteen 30 days before the said intended meeting: Provided, That such Inclosure may after such meeting be proceeded with by and with the consent in writing of Two-third parts in number and value of the Proprietors and Persons interested in the Lands intended to be inclosed, notwithstanding some of the Parties who may approve of and consent to such 35 Inclosure may not be present at such meeting, and may signify their consent thereto after the same shall have been holden: Provided always, That this Act shall not extend to any Pasture or Meadow Land, being corporate property, or held under a charitable devise.

2.

The consent
of the Tenant
in remainder
necessary in
certain Cases.

And be it further Enacted, That whenever any such Inclosure shall 40 be proposed to be made or consented to under the authority of this Act, by any person or persons who, being necessary to make up, and without whom there shall not be consenting parties sufficient to make up the proportion of Two-third parts in number and value hereinbefore required, and who shall have a less estate or interest in the Land to be inclosed than a fee simple or a copyhold of inheritance, or shall be under

under any disability, such consent shall not be available for the purposes of this Act, unless the person to whom the next immediate vested estate of freehold or of copyhold of inheritance, in remainder or reversion, shall have been limited (provided such person shall be of the full age of Twenty-one Years, and being a female shall be unmarried), shall consent thereto in writing; and such consent shall be sufficient for the purposes of this Act, notwithstanding the person giving the same may have an equitable Estate only in the Land intended to be inclosed, or may have previously disposed of, charged or incumbered his Reversionary Estate therein: Provided always, That if the person to whom such next immediate vested Estate, in remainder or reversion, may have been limited, shall, at the time such Inclosure is proposed to be made, happen to be an Infant, Feme Covert, Idiot or Lunatic, it shall be lawful for the Guardian or Husband or Committee of such Infant, Feme Covert, Idiot or Lunatic to consent to such Inclosure in his or her stead: Provided always, That in respect to any Land held in right of any Benefice, no consent of the Incumbent thereof shall alone be available for the purposes of this Act, where such consent shall be necessary to make up the proportion of Two-third parts in number and value hereinbefore required, without the concurrence of the Patron of such Benefice, and of the Archbishop or Bishop to whose ordinary or peculiar jurisdiction the said Benefice shall be subject: Provided always, That if the Patronage of such Benefice shall happen to be in the Crown, and the Benefice shall exceed the yearly value of Twenty Pounds in The King's Books, no consent of the Incumbent thereof shall be available for the purposes of this Act, where such consent shall be necessary to make up the proportion aforesaid, without the concurrence of the Lord High Treasurer or the First Lord Commissioner of the Treasury for the time being, who are respectively hereby authorized so to concur; but if such Benefice shall exceed the yearly value of Twenty Pounds in The King's Books, then no consent of the Incumbent thereof shall be available for the purposes of this Act, where such consent shall be necessary to make up the proportion aforesaid, without the concurrence of the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal for the time being, who is and are hereby authorized to give such consent on behalf of the Crown; and if the patronage of such Benefice shall happen to be in the Crown, in right of the Duchy of *Lancaster*, then no consent of the Incumbent thereof shall be available for the purposes of this Act, where such consent shall be necessary to make up the proportion aforesaid, without the concurrence of the Chancellor for the time being of the said Duchy, who is hereby authorized to give such consent on behalf of the Crown; and if the patronage of such Benefice shall be part of the Possessions of the Duchy of *Cornwall*, no consent of the Incumbent thereof shall be available for the purposes of this Act, where such consent shall be necessary to make up the proportion aforesaid, without the concurrence

rence of the Duke of *Cornwall* for the time being, if of full age; but if not of full age, or in case such Benefice shall be within the patronage of the Crown, in right of the Duchy of *Cornwall*, then of the same person or persons who is hereinbefore authorized to concur on behalf of the Crown, in respect of a Benefice in the patronage of the Crown, and who is and are hereby authorized so to consent on behalf either of the Duke of *Cornwall*, or (as the case may be) on behalf of the Crown in right of the Duchy of *Cornwall*; and if the Patron of such Benefice shall happen to be a Minor, Idiot, Lunatic or Feme Covert, it shall be lawful for the Guardian, Committee or Husband of such Patron to consent to such Inclosure in the stead of such Patron and on his or her behalf.

3.
Commis-
sioners to be
nominated by
the Parties
consenting to
the Inclosure.

And be it further Enacted, That whenever the Persons whose consents are hereby rendered necessary to any such Inclosure, shall have consented thereto in manner in that behalf herein authorized and required, it shall be lawful for the major part in number and value of the Proprietors of and Persons interested in the Lands intended to be divided and inclosed, or their known Agents, who may be present at a Meeting to be called for that purpose, to nominate and appoint in writing under their hands, one or more Person or Persons (not interested in the premises), to be a Commissioner or Commissioners for dividing, allotting and inclosing, and he or they is and are hereby empowered to divide, allot and inclose such one or more of the Open and Common Arable Meadow or other Fields in any such Parish, Township or Place, or in any Parishes, Townships or Places, adjoining or lying within Two Miles of the aforesaid Parish, Township or Place which may have been agreed to be divided, allotted and inclosed as aforesaid; and when and as often as any such Commissioner or any Commissioner to be from time to time appointed in his place, shall die, neglect, or refuse or become incapable to act, it shall be lawful for the major part in number and value of the Proprietors of such Open Common Arable Fields, or other Lands as aforesaid, so agreed to be divided, allotted and inclosed, or of their Agents assembled at a Public Meeting, to be held in manner hereinbefore mentioned in respect to the meeting for taking such Inclosure into consideration, to nominate and appoint any other Person to be a Commissioner in the stead or place of the Commissioner so dying, neglecting, refusing or becoming incapable to act as aforesaid; and in case the said Proprietors or Persons interested as aforesaid, shall make default in appointing any new Commissioner within Two calendar Months after any such death, neglect, refusal or disability shall happen, and shall be known and signified to them, or any Two of them respectively, as aforesaid, then the surviving or remaining Commissioner (if any) shall, and he is hereby required from time to time by writing under his hand, within One calendar Month next after the expiration of the said

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said period allowed to the Proprietors or Persons interested for naming such new Commissioner to be appointed as aforesaid, to appoint one other Commissioner not interested in the said Inclosure, in the place of such Commissioners so dying, neglecting, refusing or becoming disabled to act as aforesaid; and every such new Commissioner so to be appointed, shall have the like powers and authorities for carrying this Act into execution, in all respects whatsoever, as the Commissioner in whose place he shall have been so appointed and chosen as aforesaid was invested with, under and by virtue of this and the said hereinbefore recited Act.

And be it further Enacted, That the said Commissioner or Commissioners shall and they are hereby authorized and empowered to appoint a Clerk to assist him or them in the execution of the said recited Act and this Act, and shall and may remove such Clerk and appoint another in his room as to him or them shall seem meet; and in case of the death, incapacity, neglect or declining to act of any such Clerk, then and in any such case the said Commissioner or Commissioners shall and may appoint any other person to be Clerk.

4.
Commissioners to appoint a Clerk.

And be it further Enacted, That in all cases where Two Commissioners shall have been appointed for any such Inclosure, and any difference of opinion shall arise between them touching or concerning any matter or thing to be done by them by virtue or in the execution of the said recited Act or this Act, then and in every such case such difference shall be forthwith, or with all convenient speed, referred to such fit and proper Person (not interested in the said Division and Inclosure) as the said Two Commissioners or their successors shall by writing under their hands appoint as Umpire between them, and which appointment they are hereby required to make at the first meeting next after such difference shall arise, and from time to time afterwards to renew the same in the event of the death, refusal, neglect or incapacity to act of the Person so appointed; and the matter upon which such difference shall arise shall be settled and determined by such Person so to be appointed Umpire, whose determination therein shall be deemed and taken to be the determination of the said Commissioners or their successors, and shall be reduced into writing, and shall be binding and conclusive upon all parties whomsoever (so far as the acts and determinations of the Commissioners are by the said recited Act or this Act declared to be final and conclusive); and for the purposes aforesaid such Umpire shall have and he is hereby invested with the same powers and authorities as by the said recited Act and this Act are given or vested in the said Commissioners and their successors.

5.
In case of difference of opinion between Commissioners, an Umpire to be appointed.

Provided always, and be it further Enacted, That no Person shall be capable of acting as a Commissioner or an Umpire or a Surveyor in the execution of this Act or the said recited Act, until he shall have

6.
Commissioners and Umpire to take an Oath.

taken and subscribed an Oath, or made an Affirmation, in the form or to the effect following, before one of His Majesty's Justices of the Peace for the County, Riding, Division or place in which the Lands intended to be inclosed or some part thereof are situate, which Oath or Affirmation the said Justice is hereby empowered to administer ; (that is to say) 5

Form of Oath.

"I, A. B., do swear, [*or, being one of the people called Quakers, do solemnly affirm,*] That I will faithfully, impartially and honestly, according to the best of my skill and judgment, execute and perform the several powers and authorities vested and reposed in me as a Commissioner [*or, an Umpire*] or Surveyor [*as the case may be*] by virtue of an Act passed in the . . . year 10
of the reign of King WILLIAM the Fourth, intituled, 'An Act,' &c. [*here set forth the title of this Act,*] according to equity and good conscience, without favour or affection, prejudice or partiality to any person or persons whomsoever. 15

"So help me GOD."

[*Or, being a Quaker, omit the words "So help me God."*]

7.
Commis-
sioners to give
Notice of
Meetings, &c.

And be it further Enacted, That the said Commissioner or Commissioners shall and they are hereby required to cause Notice in writing to be affixed to the respective Church Doors of the Parish, 20
Township or Place wherein the Lands intended to be inclosed are situate, or if there be no Church, then on some conspicuous public place there ; and also a like Notice to be published in some News-
paper circulating in the County wherein such Lands lie, of the time and place of his or their attendance or meeting, and of all other sub- 25
sequent attendances or meetings for executing the powers hereby or in and by the said recited Act vested in him or them, Ten Days before any such meeting (meetings by adjournment only excepted) ; and if there be Two Commissioners, and not more than One of them shall attend at the time and place appointed for any such meeting, it shall 30
be lawful for the Commissioner who shall attend such meeting, or the Clerk of the said Commissioners, to adjourn such Meeting to any future day not exceeding Fourteen Days from the day of adjournment ; and such Clerk shall cause Notice of such adjournment to be given to the said Commissioners : Provided always, That all the 35
Meetings of the said Commissioners shall be holden in one of the Parishes wherein the Lands to be inclosed are situate, or within Miles of the Boundaries of one of them.

8.
Mode in which
certain No-
tices are to be
given.

Provided always, and be it further Enacted, That all other Notices necessary or requisite to be given by the said Commissioner or Com- 40
missioners, shall be so given by affixing the same on the respective Church Doors of the several Parishes, Townships or Places wherein the Lands to be inclosed are situate, or if there be no Church, in some conspicuous public place in such Parishes, Townships or Places, and by Advertisement in a Newspaper circulating in the County wherein such Lands are situate.

And

And be it further Enacted, That out of the Money that shall arise for defraying the Expenses of executing this Act, there shall be paid to each of the Commissioners (if more than one), and to the Umpire who shall act in the execution thereof, as a recompense for his pains and trouble, the sum of Three Guineas for each and every day they shall respectively be employed in travelling to, returning from and attending in the execution of this Act, and no more; and at all Meetings to be held in pursuance of this Act the said Commissioners and Umpire shall, out of such allowance, defray their own Expenses; and there shall be paid to the Surveyor or Surveyors to be appointed for the purposes of this Act, such Allowances in respect of his or their services as the said Commissioner or Commissioners shall adjudge to be a full recompense and satisfaction for all his or their Expenses and Charges whatsoever in attending the said Commissioners, and in surveying and admeasuring the Lands and Grounds to be inclosed, and in planning and staking out the several Allotments intended to be made, and in making such Maps and Plans as may be required respectively by virtue of this Act.

9.
Allowance to
Commissioners and
Umpire.

And be it further Enacted, That if any of the Parties interested in the premises shall have any objection or objections to any of the Accounts or Claims which shall be delivered to the said Commissioner or Commissioners by virtue of the said recited Act or of this Act, such objection or objections shall be reduced into writing, and Two parts thereof shall be signed by the Party or Parties making the same, or by some person or persons on his, her or their behalf, and One part thereof shall be delivered to the Party or Parties whose Claim or Account shall be objected to, or to his, her or their agent, or left at his, her or their last and most usual place or places of abode, at such time or times as the said Commissioner or Commissioners shall appoint for that purpose.

10.
A Copy of
Objections to
be left with
the Party ob-
jected to, or
given to his
Agent.

And be it further Enacted, That if any dispute or difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division, Allotment and Inclosure, touching or concerning the respective rights or interests which they or any of them shall claim to have in, to or out of the Lands and Grounds hereby authorized to be divided, allotted and inclosed, or touching or concerning any other matter or thing relating to the said Division, Allotment and Inclosure, it shall be lawful for the said Commissioner or Commissioners, and they are hereby authorized and required to examine into, hear and determine the same respectively; provided that nothing in this Act contained shall authorize the said Commissioner or Commissioners to determine the title to any manors, messuages, cottages, lands, tenements or hereditaments whatsoever.

11.
For settling
disputes
between
Parties
interested.

12.

Commissioners may award Costs.

And be it further Enacted, That in case the said Commissioner or Commissioners shall, upon the hearing and determination of any claim or claims, objection or objections to be delivered to them in pursuance of the said recited Act or this Act, see cause to award any Costs, it shall be lawful for the said Commissioners, and they are respectively hereby empowered, upon application being made to them for that purpose, to settle, assess and award such Costs and Charges as they shall think reasonable to be paid, either for the public account, for or towards the Expenses occasioned in or relating to the investigation, settling and determining of such claim or claims, if finally disallowed, or to the Party or Parties in whose favour any determination of the said Commissioner or Commissioners shall be made, by the person or persons, or body or bodies politic, corporate or collegiate, whose claim or objection shall be thereby disallowed or over-ruled, or against whom the said Commissioner or Commissioners shall have determined as aforesaid; and in case the person or persons, body or bodies politic, corporate or collegiate, who shall be liable to pay such Costs, shall neglect or refuse to pay the same upon demand, it shall be lawful for the said Commissioner or Commissioners, and he and they are hereby authorized and required, by warrant under their hands and seals, directed to any person or persons whomsoever, to cause such Costs to be levied by distress and sale of the goods and chattels of the person or persons, or body or bodies politic, corporate or collegiate so neglecting or refusing to pay the same, rendering the overplus (if any) upon demand to such person or persons, body or bodies politic, corporate or collegiate, whose goods and chattels shall have been so distrained and sold, after deducting the costs and charges attending such distress and sale.

13.

Appeal allowed when Parties are dissatisfied with Decision of the Commissioners.

Provided always, and be it further Enacted, That in case any Person or Persons, Body or Bodies politic, corporate or collegiate, interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any determination of the said Commissioner or Commissioners or Umpire touching or concerning any claim or objection which shall be delivered to the said Commissioners in pursuance of the said recited Act or this Act, or touching or concerning any property, right or interest intended to be affected by such determination, and shall cause notice in writing of such dissatisfaction to be delivered to or left at the usual places of abode of the Commissioner or Commissioners or Umpire making such determination, and of the Party or Parties in whose favour such determination shall have been made, or his, her or their agent, within Thirty Days next after such determination shall have been notified in writing to the several Parties or Persons interested, it shall be lawful for such Person or Persons, Body or Bodies politic, corporate or collegiate, so dissatisfied and giving such notice as aforesaid, to bring

or

or cause to be brought an action or actions upon a feigned issue against the Person or Persons in whose favour such determination shall have been made, and to proceed to a trial at law of the matter so determined by the said Commissioners or Umpire at the then first
 5 or second Assizes to be holden for the County wherein the Lands relating to which such dispute shall arise are situate; and the Defendant or Defendants in such action or actions shall, and he, she and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto and file common bail, and accept one or more issue or
 10 issues, whereby such claim or claims, rights in question, and the property, right and interest thereby insisted upon, may be tried and determined; such issue or issues to be settled by the proper Officer of the Court in which the said action shall be commenced, in case the said Parties shall differ about the same; and the verdict or verdicts which shall be given
 15 upon the trial of such action shall be binding, final and conclusive, unless the Court wherein such action shall be brought shall set aside such verdict or verdicts, and order a new trial to be had thereon, which it shall be lawful for the said Court to do in case the said Court shall think proper; and after such verdict or verdicts shall be
 20 obtained and not set aside, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the claim, property, right or interest thereby determined according to the event of such trial or trials; and the costs and charges payable by the said Commissioner or Commissioners in or relating to such action
 25 or actions shall be paid and discharged out of the monies to be raised by him or them for the purposes of this Act: Provided always, That if no such notice shall be given, and such action or actions at law shall not be commenced as aforesaid, or if any such action shall be commenced and the Plaintiff or Plaintiffs therein shall not proceed to
 30 trial within the time hereinbefore limited for that purpose, then the determination of the said Commissioner or Commissioners or Umpire shall be final, binding and conclusive to all intents and purposes whatsoever: Provided always, That if any of the Parties in any such action to be commenced as aforesaid shall die before the determination thereof,
 35 such action shall not abate by reason thereof, but shall be proceeded in as if no such event had happened, and that no difference, suit or proceeding as aforesaid, nor any difference or dispute touching the title to any lands, tenements or hereditaments shall impede or delay the said Commissioner or Commissioners in the execution of the
 40 powers of this Act, but the Division, Allotment and Inclosure hereby authorized to be made shall be proceeded in, notwithstanding any such difference or proceeding.

Provided always, and be it further Enacted, That if any Person or Persons in whose favour such determination as aforesaid shall have been made, and against whom any such action or actions might have been brought if living, shall die before any such action or actions
 424. shall

14.
 Death of
 Parties not to
 abate Actions.

shall have been brought, and before the expiration of the time herein-
before limited for bringing such action or actions, it shall be lawful
for the Person or Persons, Body or Bodies politic, corporate or col-
legiate, who might have brought such action or actions against the
Person or Persons so dying, to bring the same within the time so 5
limited as aforesaid against such Person or Persons as aforesaid as if
actually living, and to serve the Clerk of the said Commissioner or
Commissioners with process for commencing such action or actions in
the same manner as the Party or Parties so dying might have been
served therewith if living; and it shall thereupon be incumbent upon 10
the Heir or Heirs or other Person or Persons who shall claim the
benefit of such determination as aforesaid, to appear and defend such
action or actions in the name or names of the Person or Persons so
dead; and proceedings shall be had therein in the same manner as if
such Person had been actually living, and the rights of all parties 15
shall be equally bound and concluded by the event of such action or
actions.

15.
Commis-
sioners not to
determine
rights between
Parties except
in cases of
Encroach-
ments.

Provided also, and be it further Enacted, That nothing in this Act
contained shall extend to enable the said Commissioner or Commis-
sioners to determine any right between any Parties contrary to the 20
possession of any such Parties, except in cases of encroachments
made within the period of Twenty Years next preceding the passing of
this Act; but in case the said Commissioner or Commissioners shall
be of opinion against the right of the Person or Persons so in posses-
sion, they shall forbear to make any determination thereupon, until the 25
possession shall have been given up by, or taken from, such Person
or Persons by ejectment or other due course of Law.

16.
Encroach-
ments made
within 20
Years to be
deemed part
of the Land
to be allotted.

And be it further Enacted, That all Encroachments or Intakes
which at any time within Twenty Years next preceding the date of the
Agreement for any such Inclosure have been made upon the said Lands 30
and Grounds hereby authorized to be divided and inclosed, shall be
deemed and considered part and parcel of the Lands and Grounds to
be allotted and inclosed by virtue of this Act, as if the same were
actually lying open and uninclosed, and shall be divided and allotted
accordingly; and in case any dispute or difference shall arise touching 35
any such Encroachments or Intakes, or as to the extent thereof, such
dispute or difference shall be determined by the said Commissioner or
Commissioners.

17.
CLAUSE (A.)
Lands used
for charitable
purposes not
to be deemed
an Encroach-
ment.

Provided also, and be it further Enacted, That in case any such
Lands shall have been taken or used at any time before the passing 40
of this Act, for the erection of a School-house or School-houses, or
the appurtenances thereto, or for other charitable purposes, such
Lands so taken, or the Erections made thereon, shall not be taken or
deemed to be of the nature of an Encroachment within the meaning
of this Act.

Provided

Provided always, nevertheless, and be it further Enacted, That all Lands which shall have been inclosed from the Open Fields, or any of them, for more than Twenty Years next preceding the date of the Agreement for such Inclosure, shall for the purposes of this Act be deemed and taken to be Ancient Inclosures.

18. Lands inclosed for more than 20 years, shall be deemed to be Ancient Inclosures.

And be it further Enacted, That the said Commissioner or Commissioners shall by some writing or writings under their hands, ascertain, order and appoint what recompense and satisfaction in money shall be made to the Owner or Owners of any Crops growing at the time of the said intended Division and Allotment for the said Crops, by the Person or Persons to whom the Lands on which such Crops are growing shall be allotted, and also what recompense and satisfaction in money shall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of Lands to be inclosed as aforesaid, as well for the ploughing, tilling and manuring of any Lands or Grounds which shall be allotted to some other Person or Persons, and for the profit or advantage which any such Person or Persons, to whom the said Lands and Grounds shall be allotted, will obtain thereby, as for any loss or disadvantage which any such Tenant or Tenants, Occupier or Occupiers, shall or may sustain by the loss of any following or way-going Crop, in any of the Open Fields by this Act authorized to be divided, allotted and inclosed, or by means of the said Division, Allotment and Inclosure; and if in any or either of the said cases last mentioned, such recompense and satisfaction shall not be made at the time and in the manner to be appointed by the said Commissioner or Commissioners, then the said Commissioner or Commissioners shall and may, by any Warrant or Warrants under his or their hands and seals, directed to any Person or Persons whomsoever, (which Warrant or Warrants he or they are hereby authorized and empowered to grant accordingly,) cause the same to be levied by distress and sale of the goods and chattels of the Person or Persons required to make such recompense and satisfaction as aforesaid, together with the costs and charges of such distress and sale, rendering the overplus, if any, to the Owner or Owners of such goods and chattels.

19. Compensation to be made for Standing Crops.

And be it further Enacted, That the said Commissioner or Commissioners shall, as soon after his or their appointment as conveniently may be, by some writing or writings under his or their hands to be affixed on the principal outer doors of the several and respective Parish Churches in which the Lands to be inclosed are situate, or if there be no Church, in some conspicuous place in the township or place where such Lands shall be, order and direct the course of Husbandry that shall be used in, over and upon the Open Arable, Meadow or other Fields to be divided, allotted and inclosed by virtue of this Act, until the time when he or they shall have made and completed the intended Division and Allotment thereof, as well with respect to breaking up and

20. Commissioners to direct the Course of Husbandry to be followed.

the laying down, as the ploughing, sowing, fallowing and tilling the same Lands and Grounds; and by the same or any other writing or writings under his or their hands to be affixed as aforesaid, shall and may make such orders and regulations touching the conduct of the Owners and Occupiers of the same Lands and Grounds for the preventing the committing of waste or destruction by any Person or Persons whomsoever upon any of the Lands and Grounds to be divided and allotted by virtue of this Act, in the mean time and until the Allotments and Divisions thereof shall be effected, as to the said Commissioner or Commissioners shall seem expedient; all which orders and regulations of the said Commissioners shall be binding and conclusive upon all parties interested therein, their farmers and tenants; and that the said Commissioners shall set and impose such pecuniary penalties and forfeitures upon every person not conforming to such orders and regulations as they shall think necessary, not exceeding Five Pounds per acre; all which penalties and forfeitures shall be paid to such Person or Persons, and for such uses and purposes as the said Commissioner or Commissioners shall by any such writing or writings as aforesaid, or any other writing or writings, direct or appoint; and the said Commissioner or Commissioners are hereby authorized and required to raise and levy the same for the use of the Person or Persons he or they may consider entitled thereto, by such ways and means as the costs, charges and expenses of carrying this Act and the said recited Act of the forty-first year of the reign of his late Majesty King GEORGE the Third into execution may be raised and levied.

21.

Cattle not to be allowed to graze on inclosed Lands for Seven Years.

Provided always, and be it further Enacted, That it shall not be lawful for any Person or Persons, at any time or times within the space of Seven Years next after the making and executing the Award of the said Commissioners, to graze or keep any sort of Cattle whatsoever in any of the private roads to be set out by virtue of this Act, and which shall be directed by the said Commissioner or Commissioners to be fenced.

22.

Commissioners to allot Lands to be inclosed.

And be it further Enacted, That the said Commissioner or Commissioners shall apportion, divide, set out and allot the said Open, Common, Meadow or other Fields authorized by this Act to be divided, allotted and inclosed unto and amongst the several Proprietors thereof and persons interested therein, in proportion to their respective shares, rights, property and interest, and in proportion to the true and real value of their several shares, rights, property and interests, and in lieu and full satisfaction of and for such their said several shares, rights, property and interests, to be ascertained and adjusted by such ways and means and in such manner as to the said Commissioners shall seem just and expedient, but subject to the rules, orders and regulations herein contained or referred to and authorized to be established concerning the same.

Empowering
Rectors to
erect Build-
ings on Lands
allotted in
right of Glebe.

AND whereas the Allotments made to any Rector or Vicar who may be entitled to any glebe lands in such Open and Common, Arable, Meadow or other Fields, or some of such Allotments, may probably require some additional Buildings, by reason whereof, and in order to render the

5 same of greater value to the said Rectors and Vicars respectively, and their respective successors, it may be necessary that some Buildings should be erected thereon, and some necessary division as well as interior or subdivision fences may be necessary to be made, planted and raised in and upon the said Allotments or some of them: AND whereas

10 the erecting of such further Buildings, and the making, planting and raising such fences will be attended with considerable expense, and as the same will probably be more beneficial to the successors of such Rectors and Vicars respectively than to the Rector and Vicar in whose incumbency such Allotment and Inclosure may take place; BE it there-

15 fore further Enacted, That it shall and may be lawful to and for the said Rectors and Vicars respectively, and their respective successors, by and with the consent in writing of the respective Patrons of the said Rectories and Vicarages, and of the Ordinary of the Diocese for the time being, to erect or cause to be erected for agricultural purposes such

20 further Buildings and Conveniences upon the Allotment or Allotments (which Buildings and Conveniences the said Rectors and Vicars respectively, and their respective successors, are hereby required to cause to be insured equal to the value thereof, annually, in some of the Offices in *London* established for Insurance against Fire,) so as aforesaid to be

25 set out unto the said Rectors and Vicars and their respective successors as aforesaid; and also to make, plant and raise such outer division, as well as interior or subdivision fences in and upon the said Allotment or Allotments, as the said Commissioner or Commissioners shall judge necessary and proper for the occupation of the

30 Lands so to be allotted to the said Rectors and Vicars respectively, and their respective successors, and by any Deed or Deeds, Writing or Writings, under the respective hand and seal of such Rectors or Vicars respectively, and their respective successors, and attested by Two or more credible Witnesses, by and with the consent in writing of

35 the Bishop of the Diocese for the time being, to charge such Allotment or Allotments so as aforesaid to be set out for the said Rectors and Vicars respectively, and their respective successors as aforesaid, and the Buildings and Conveniences so to be erected thereon, with such sum or sums of money, not exceeding in the whole Two Years' annual value of the respective Allotments so to be set out to the said

40 Rectors and Vicars respectively, as the said Commissioners shall think necessary for the purposes of and in order to be applied to paying and defraying the charges and expenses of erecting the said further Buildings and Conveniences, and of making, planting or raising such division or subdivision fences, or for either of the said purposes, and in applying for and obtaining the consent of the said Bishop, and in exercise of the powers given to and vested in the said Rectors

and Vicars respectively, by virtue of this Act and the said recited Act; which sum or sums of money shall be paid to such person or persons as the said Commissioners shall nominate and appoint, in order to be applied or disposed of accordingly; and for securing the repayment of such sum or sums of money with interest for the same, 5
to grant, mortgage, lease or demise the Allotments so as aforesaid to be set out unto and for the said Rectors and Vicars respectively, and their respective successors as aforesaid, and the Buildings and Conveniences so to be erected thereon, unto such person or persons who shall advance and lend the same, his, her and their executors, administrators or assigns, for any term or number of years, so that every such grant, mortgage, lease or demise be made with a proviso to cease and be void, or with an express trust to be surrendered when the sum or sums of money thereby to be secured, with the interest thereof, shall be respectively fully paid and satisfied; and such Mortgagee or 15
Mortgagees advancing and lending the money so to be borrowed, shall not be obliged to see to the application or be in anywise answerable for the misapplication of such monies or any part thereof; and the said Rectors and Vicars respectively, and their respective successors for the time being, shall be and are hereby required and made 20
liable, at the end of every year after the date of such mortgage to pay to the person or persons to whom such grant, mortgage, lease or demise shall be made, his, her or their executors, administrators or assigns, One-twentieth part of the respective principal monies so to be borrowed, until the whole thereof shall by such 25
annual payments be paid off and discharged; and also to pay and keep down the interest of the said respective monies so to be borrowed, so that the future Rectors and Vicars of the said respective Parishes or Townships becoming possessed of such respective lands and grounds, shall not be subject or liable (and they are hereby respectively dis- 30
charged from being subject or liable) to pay any further or larger share of such monies than his or their proportion thereof, according to such last-mentioned condition, or any interest for the same, save only from the day of the death, resignation or cession of the preceding Incumbent of the said Rectories or Vicarages respectively; and 35
that it shall and may be lawful to and for the person or persons who shall advance and lend such monies, his, her or their heirs, executors, administrators and assigns, for the more easily recovering the said One-twentieth part of the said principal, and the whole of the interest which is enacted annually to be paid, to have, use, exercise and take such and 40
the same powers and remedies, by entry and distress upon the premises so to be charged, mortgaged and demised, and sale of such distress as by the Laws now in force are provided for and given to landlords, or as they can use and take for the recovery of rack-rents in arrear.

24.
Rectors, with
consent of
Bishop, may
demise the
Allotments.

And be it further Enacted, That it shall and may be lawful for the Rectors of the said Rectories, and the Vicars of the said Vicarages respectively

respectively for the time being, by Indentures under their respective hands and seals, with the consent and approbation of the Bishop of the Diocese for the time being, and of the Patron of the said Rectories and Vicarages, to lease and demise all or any part of the Allotments to be set out and allotted to them respectively by virtue of this Act, to any Person or Persons whomsoever, for any term not exceeding Twenty-one Years, to commence within Twelve calendar Months from the setting out and making of such Allotments respectively, so that the Rent or Rents for the same shall be thereby reserved to such Rectors and Vicars for the time being, by Four equal quarterly payments in every Year, and so that there be thereby reserved to such Rectors and Vicars the best and most improved Rent or Rents that can be reasonably gotten for the same, without taking any fine, foregift, premium, sum of money or other consideration for granting any such Lease, and so that no such Lessee by any such Lease or Demise be made punishable for waste by any express words to be therein contained, and so that there be inserted in every such Lease power of re-entry on nonpayment of Rent or Rents, to be thereby reserved within a reasonable time to be therein limited, after the same shall become due, and so that a counterpart of such Lease be duly executed by the Lessee or Lessees to whom such Lease shall be made as aforesaid; and every such Lease shall be valid and effectual, any law or usage to the contrary notwithstanding.

Provided always, and be it further Enacted, That in case, through the necessity of situation or any other accident or circumstance, it shall happen that one or more of the said Proprietors shall not have an equal or proportionable quantity of Boundary Mounds or Fences allotted to him, her or them on the said intended Inclosure, it shall be lawful for the said Commissioner or Commissioners, when he or they shall judge it necessary and reasonable, to award, order, ascertain and appoint what sum or sums of money such Proprietor or Proprietors shall respectively pay and contribute towards making the Mounds and Fences of the Allotments of such other Proprietor or Proprietors who shall or may have too great a proportion of Mounding or Fencing allotted to him, her or them by virtue of this Act; the same to be settled by the said Commissioner or Commissioners in such manner as he or they shall order, direct or appoint; and the money so ordered, directed or appointed to be paid, shall be raised, levied and recovered in such and the same manner as the other expenses of this Act are herein or by the said recited Act ordered and directed to be levied and recovered.

25.
Commissioners in certain cases to apportion Expenses of erecting Boundary Fences.

Provided always, and be it further Enacted, That nothing in this Act contained shall extend or be construed or adjudged to extend to revoke, make void, alter or annul any Settlement, Deed, Will or Lease, or to prejudice any Person having any right or claim of Dower,

26.
Act not to affect Settlements.

Jointure, Annuity, Rent Charge, Debt or Incumbrance whatsoever, in, out of, upon or affecting any of the Lands, Tenements or Hereditaments hereby authorized to be divided and allotted, or which shall be exchanged or assigned in compensation for any other estate or right in pursuance of this Act; but as well the Lands allotted as the Tenements or other Hereditaments which shall be assigned in exchange or as a compensation for any other estate or right, shall immediately after such allotment, exchange or assignment shall be made, be vested, remain and enure, and the several persons to whom the same shall be allotted, assigned or given in exchange as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively, to, for and upon such and the same uses, estates, intents, trusts and purposes respectively, and subject and liable to such and the same deeds, wills, settlements, limitations and remainders, conditions, charges, tenures, rents, services and incumbrances as the several Lands, Tenements and Hereditaments in respect whereof such allotments, assignments and exchanges shall have been made, should or would have stood severally limited, settled, or subject or liable to, or been held by, in case the same had not been allotted, assigned or exchanged, and this Act had not been made or acted upon; save and except such rents and services as shall have been compensated for and extinguished, and such Leases and Tenancies at rack rents as shall become void by virtue of this Act, and subject nevertheless to all such Mortgages and Sales as shall be made by authority of this Act, or of the said Act of the forty-first year of the reign of his late Majesty King GEORGE the Third.

27.
Leases at
Rack Rent
may be
voided.

Provided also, and be it further Enacted, That all Leases, Agreements and Tenancies at rack rent subsisting of any part or parts of the Lands and Grounds hereby authorized to be divided, allotted and inclosed at the time of the first appointment of any Commissioner or Commissioners for the Inclosure thereof, or which shall be exchanged in pursuance of this Act, shall, so far only as respects the Lands hereby authorized to be divided and allotted or exchanged, cease and be void at such time or times as the said Commissioner or Commissioners shall by writing under his or their hands direct or appoint, so as the respective Lessors or Landlords of such Lands or Tenements do, before or at the respective times at which such Leases or Tenancies shall be directed to cease, make and pay such satisfaction to the respective Lessees or Tenants, for the loss which shall be sustained by the determination of such Leases respectively, so far as regards the said Lands, the Tenancy and Leases whereof are hereby authorized to be determined, as shall be mutually settled and agreed between them, or as the said Commissioner or Commissioners being required by either of the Parties shall ascertain and direct; and the said Commissioner or Commissioners, being so required, are hereby empowered and directed to apportion a reasonable and proportionable

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able part, according to the season of the year, of the Rent reserved on any such Lease or Agreement, for or in respect of the time which shall have elapsed between the last day on which any payment of the Rent shall have become due, and the determination of any such
 5 Lease or Agreement; and such part of the Rent shall be recoverable by such ways and means as may by Law be used for the recovery of Rent in arrear; and the said Commissioners are hereby empowered and directed in every case where such Lands or other Hereditaments shall be held by virtue of such Lease or Agreement, together with
 10 other Lands or Hereditaments, by one entire Rent, to apportion and determine what part of such Rent shall be deducted in respect of such of the Lands or other Hereditaments in such Lease or Agreement comprised, as to which the same shall be determined as afore-said, and from what time such deduction shall take place; and the
 15 rest of the Rent reserved on any such Lease or Agreement shall, during the remainder of the Term thereof, be the Rent of and for the residue of such Lands and Hereditaments, and shall be payable and recoverable in like manner as the entire Rent reserved by such Lease or Agreement shall, immediately before such apportionment, be
 20 payable and recoverable.

And be it further Enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Lands, Tenements or Hereditaments whatsoever, within the parishes, townships or places in which the Lands to be allotted and inclosed are situated, or any of
 25 them, in lieu of and in exchange for any other Lands, Tenements or Hereditaments within the same parishes, townships or places respectively, or any of them, or within any parish, township or place adjoining to the said parishes, townships or places respectively, or any of them; provided that all such exchanges shall be ascertained, specified and declared in the Award of the said Commissioner or
 30 Commissioners, and be made with the consent of the proprietor or proprietors of the hereditaments and premises which shall be so exchanged, whether such proprietor or proprietors shall be a body or bodies politic, corporate or collegiate, corporation aggregate or sole, rector, parson, vicar or other ecclesiastical person or persons, or a
 35 tenant or tenants in fee-simple or for life, or in fee-tail, special or general, or by the courtesy of *England*, or for years determinable on any life or lives by and with the consent of the lessor or lessors, but not otherwise, or with the consent of the guardians, husbands,
 40 committees or attornies of or acting for any such proprietor or proprietors who, at the time of making such exchange or exchanges, shall be respectively infants, femmes covert, idiots, lunatics, or under any other legal disability, or who shall be beyond the seas, or otherwise disabled to act for themselves, himself or herself, or of the trustees or feoffees for charitable, parochial or other uses, or of the

28.
 Exchanges
 may be made.

person or persons having power to sell and dispose of the premises which shall be so exchanged (such consent to be testified in writing under the common seal of the body politic, corporate or collegiate, and under the hands of the other consenting parties respectively); and all and every such exchange and exchanges so to be made 5 respectively shall be good, valid and effectual in the law to all intents and purposes whatsoever: Provided nevertheless, That no exchange shall be made of any Lands, Tenements and Hereditaments held in right of any church, chapel or other ecclesiastical benefice, without the consent testified as aforesaid of the Patron thereof, and of the 10 Bishop of the Diocese in which such Lands, Tenements and Hereditaments shall be situate.

29.
Allotments to be under the same Tenure as the Lands in respect of which they are allotted.

Provided always, and be it further Enacted, That the Lands, Grounds and Hereditaments which shall be allotted or exchanged by virtue of this Act shall be held in like manner, under and by virtue 15 of the same terms and rents, and shall be thereafter deemed to be of the same quality and tenure as the Lands, Tenements or Hereditaments, in respect of which such Allotment or Allotments or Exchanges shall be made, were held or deemed to be of, immediately before the making of every such Allotment or Exchange respectively: Provided 20 always, That when the Tithes of any Common Field agreed to be allotted or inclosed under the provisions of this Act belong to different persons or do not extend over the whole of such Common Field, it shall be lawful for the Commissioners or Commissioner to allot the Tithes as well as the Land, in order that all persons may have Tithe- 25 free Allotments in lieu of Lands which were before exempted from Tithes.

30.
For defraying Expense of Exchanges.

Provided also, and be it further Enacted, That all Costs, charges and expenses attending the making any exchanges and partitions shall be paid and borne by the several persons making such exchanges and 30 partitions, in such manner and in such proportions as the said Commissioner or Commissioners shall, by any writing under his or their hands, order and direct.

31.
Ditches may be widened.

And be it further Enacted, That the said Commissioner or Commissioners shall and may scour out, widen and alter all such ancient 35 ditches, drains, watercourses, tunnels, gates and bridges in the respective Open Common Arable, Meadow or other Fields (or any one of them) hereby authorized to be allotted and inclosed, and also shall and may set out, widen and make any new ditches, drains, watercourses, tunnels, gates and bridges in, through and over the Lands and Grounds 40 hereby authorized to be divided, allotted and inclosed (the expenses thereof to be raised and defrayed as the other expenses of executing the powers of this Act are herein directed to be raised and defrayed), and

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and of such breadth, depth and dimensions, and in such directions as the said Commissioners shall think proper ; and the said Commissioner or Commissioners shall and may, and they are hereby directed and required, in and by their Awards, to order and determine by whom
5 and at whose expense, and at what time and in what manner the said ditches, drains, watercourses, tunnels, gates and bridges shall be afterwards cleansed, scoured and maintained; and also shall and may direct, order and award all or any of the streams, springs and water-
10 courses within the said Lands and Grounds hereby authorized to be divided, allotted and inclosed, to be carried, diverted and turned into such courses, and through, over and across such parts of the Lands and Grounds hereby authorized to be divided, allotted and inclosed, as they the said Commissioners shall in their discretion judge proper for the draining or watering the several Allotments so to be
15 made as aforesaid.

And be it further Enacted, That it shall and may be lawful for any Person or Persons interested in the said Allotments, at any time to mortgage, sell, demise or dispose of all such estate, right, title, interest and property which he, she or they shall then have in or to the
20 said Open Common Arable, Meadow or other Fields (or any one of them), and of the Allotments set out in lieu thereof, before the execution of the Award of the said Commissioner or Commissioners ; and it shall be lawful for the said Commissioner or Commissioners, and he or they are hereby authorized and required, upon the conveyance or other instru-
25 ment, by which such sale or disposition is confirmed, being produced to them, and the execution thereof proved to their satisfaction, to allot the same to the Purchaser or Purchasers thereof respectively ; and if not so allotted, such conveyance or other instrument shall be valid and effectual in law, notwithstanding it may have been so made before
30 the execution of the said Award.

32.
Persons interested in Allotments may sell the same.

And be it further Enacted, That it shall be lawful for the said Commissioner or Commissioners, in case he or they shall be requested by writing under the hand or hands of any Person or Persons being tenant for life, or other person being in possession of, but not having
35 the absolute estate or interest in any Lands hereby authorized to be allotted and inclosed, to sell and dispose of any part or parts of the Allotment or Allotments belonging to such Person or Persons, for the purpose of defraying his, her or their shares of the costs, charges and expenses of putting into execution this Act and the said recited Act
40 of the forty-first year of the reign of his late Majesty King GEORGE the Third, and the expenses of fencing, ditching, subdividing and inclosing such Allotment or Allotments; and the said Commissioners shall accordingly sell such part or parts of such Allotment or Allotments, either by private contract or public auction, as they shall

33.
Tenants for Life empowered to sell part of Allotments to defray Expenses.

think proper, to such Person or Persons as shall be willing to purchase the same, and shall convey the same to such purchaser or purchasers by any deed under their hands and seals; and the receipt of the said Commissioners for such money shall be a full and complete discharge to such purchaser or purchasers for such purchase money; and the said Commissioners shall apply the purchase money in or towards the payment of such expenses, and in fencing, ditching, subdividing and inclosing the said Allotment or Allotments respectively; but such purchaser or purchasers shall not be liable to see to the necessity or expediency of such sale, nor be answerable nor accountable for the misapplication of such purchase money; and upon the payment of such purchase money or purchase monies into the hands of the said Commissioner or Commissioners, the Lands so to be sold as last aforesaid shall immediately thereupon be vested in fee-simple in possession (if such Allotment or Allotments is or are made in right of freehold) in the purchaser or purchasers thereof; and the same shall be thenceforth held in severalty by such purchaser or purchasers thereof respectively, as his, her or their private property, and shall be allotted accordingly by the said Commissioner or Commissioners.

34.
When Allotments to a Tenant for Life are in different Parishes, Commissioners may sell the Land in one Parish to defray Expenses attending the other portion of the Allotment.

Provided always, and be it further Enacted, That where any Allotment or Allotments so to be made to any Person or Persons being tenant for life or in tail, or other Person being in possession, but not having the absolute estate or interest in any Lands hereby authorized to be allotted and inclosed, which stand limited to the same uses, shall be situated partly in one and partly in another parish or township, or place, it shall and may be lawful to and for the said Commissioner or Commissioners, in case they shall be requested, as last hereinbefore mentioned to sell and dispose of, and to convey and assure to the purchaser or purchasers thereof, any part or parts of the said Allotments belonging to such Person or Persons, in any one or more of the said parishes, townships or places, in manner in that behalf hereinbefore mentioned, as well for the purpose of defraying his, her or their share or shares of the costs, charges and expenses of putting into execution this Act and the said recited Act, and the expenses of fencing, ditching, subdividing, and draining such Allotment or Allotments in respect of such of the said Lands as are situated within the same parish wherein the said Allotment or Allotments so sold may be situated, as, for and in respect of such of the said Lands or other Hereditaments or Allotments as may be situated in any other township or place: Provided always, That it shall not be lawful to raise by such sale any further or greater sum of money than the Person or Persons, part of whose Allotment or Allotments may be sold or disposed of, would have been empowered and authorized to borrow or charge upon his, her or their Allotment or Allotments, under or by virtue of the said recited Act or this Act, reckoning Five Pounds for each and every acre of such Allotment or Allotments.

Provided

Provided always, and be it further Enacted, That it shall not be lawful for the Proprietor or Person from whose Allotments Lands shall be as aforesaid deducted, to charge his, her or their Lands or Hereditaments, by virtue of the said recited Act or this Act, with any money towards
 5 payment of such expenses, unless the money to arise by such sale shall be less than the sum of Five Pounds per acre; and then and in such case it shall be lawful for such Person or Persons to charge his, her or their estate or estates with, or to raise by mortgage thereof or other means or ways as mentioned in the said recited Act or this Act,
 10 such further sum of money as may be necessary for the payment of the expenses of executing this Act, and subdividing the said Allotments, as, together with the value of the Lands so deducted, shall not exceed the amount that might be borrowed and charged on the Lands to be divided and allotted at the rate of Five Pounds for each and
 15 every acre.

35.
 Not to charge Lands with Expenses, unless the sum to arise by the Sale shall be less than 5*l.* per Acre. 161

And be it further Enacted, That the charges and expenses of surveying, valuing, planning, measuring, dividing and allotting the said Open and Common, Meadow or other Fields hereby authorized to be divided, allotted and inclosed, and of fencing the Lands of the
 20 Persons from whom a deduction of Land shall be made as hereinbefore directed, and also the expenses of preparing and enrolling the Awards of, and the allowances and payments to be made to the said Commissioner or Commissioners, Umpire and Surveyors respectively as hereinbefore directed, and all other charges and expenses incident to
 25 or attending the carrying this Act into execution shall be paid, borne and defrayed by all the Proprietors of the Lands and Hereditaments so authorized to be divided, allotted and inclosed or exchanged, in such proportions as the said Commissioner or Commissioners shall settle, adjust and determine, to be paid at such time or times, and to such
 30 Person or Persons as they the said Commissioner or Commissioners shall order and direct; Notice thereof in writing under their hands being given Thirty Days before the time such payment shall be required.

36.
 For Payment of Expenses of measuring, dividing, allotting and inclosing Open and Common Lands.

And be it further Enacted, That once at least in every year, to be
 35 computed from the first appointment of such respective Commissioner or Commissioners, the Accounts of the said Commissioners, Commissioner or Umpire, containing a true statement of all and every Sum and Sums of Money by them received and expended, or due to them for their trouble and expense in the execution of this Act and the
 40 said recited Act of the forty-first year of the reign of his late Majesty King GEORGE the Third, until such Account shall be finally settled, shall, together with the Vouchers relating to the same, be by them laid before one of his Majesty's Justices of the Peace for the County in which the Lands to be inclosed, or the greater part of them, shall be situated, to be by him examined and balanced; and such balance

37.
 Commissioners to account.

shall be stated in the Books of Account to be kept in the Office of the Clerk of the said Commissioners, and no charge or item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall be so allowed.

38.

Awards.

And be it further Enacted, That the said Commissioner or Commissioners, shall make and execute Awards, with Maps or Plans thereto annexed, and shall cause the same to be enrolled manner as directed by the said recited Act; and such Awards shall be deposited in the respective Parish Churches of the Parishes wherein the Lands so to be allotted and inclosed, or the greater part thereof, are situated. 5 10

39.

Provisions of Act 41 Geo. 3, where not altered or repealed, extended to this Act.

And be it further Enacted, That all and every the Clauses, Provisions and Enactments contained in the said Act of the forty-first year of the reign of King GEORGE the Third, or such of them as are applicable to and consistent with the purposes and object of this Act, shall and may be in full force and effect for carrying into effect the Allotments, Division, Enclosures and Exchanges hereby authorized to be made, as fully and effectually as if such Clauses, Provisions and Enactments had been herein repeated and re-enacted, and had been made part of this Act, with such alterations and variations as would adapt them and render them applicable to the object and purposes of this Act. 15 20

40.

Appeal to Quarter Sessions, where Parties think themselves aggrieved.

And be it further Enacted, That it shall be lawful for all Persons who shall think themselves aggrieved by any thing done by virtue of this Act or the said recited Act (except in cases where the things so done are herein or by the said Act of the forty-first year of his late Majesty King GEORGE the Third, declared to be final, binding and conclusive) to appeal to the General Quarter Sessions of the Peace which shall be held in and for the County, Riding or Division wherein the Lands, or the greater part thereof, in respect of which the matter of complaint may arise, shall be situated, or any adjournment thereof, within Six calendar Months next after the cause of complaint shall have arisen, first giving or causing to be given Twenty-eight Days' notice thereof in writing to the said Commissioner or Commissioners, or one of them, or to the parties intended to be appealed against; and the Justices at their said Quarter Sessions, or any adjournment thereof, are hereby authorized and required to hear and determine the matter of every such Appeal, and to make such Order therein; and to award such Costs as to them in their discretion shall seem meet, and by their Warrant to levy the Costs awarded by distress and sale of the goods and chattels of the parties respectively adjudged to pay the same, rendering the overplus (if any) to the respective owners of such goods and chattels, after deducting the reasonable charges of such distress and sale; and every determination of the said Justices shall be final and conclusive on all parties concerned; and no such complaint, appeal 25 30 35 40

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peal or proceeding shall be removed or removable by Certiorari or any other writ or proceeding whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such appeal shall appear to the said Justices to be frivolous, vexatious or without foundation, then the said Justices shall award such costs to be paid by the Appellant or Appellants as to them in their discretion shall seem reasonable, and to be levied in manner aforesaid.

Provided always, and be it further Enacted, That nothing in this Act contained shall prejudice, lessen or defeat the right, title or interest of the respective Lords for the time being of any Manors in or to any of the royalties or seignories, fisheries, manorial and other rights, customs and services incident or belonging to the said respective manors, or any of them; but that such respective Lords, and all and every person and persons claiming in trust for him or them as such respective Lords for the time being of the said several and respective manors, shall and may at all times for ever hereafter have, hold, receive, take and enjoy all rents, services, courts, perquisites and profits of courts, fines, goods and chattels of felons and fugitives, felons of themselves, and put in exigent deodands, waifs, estrays and forfeitures, privileges and jurisdictions of their several and respective manors, to the respective Lords thereof, or any person or persons claiming under him or them, incident, belonging or appertaining, except in respect of any Land or Estate for which compensation is hereinbefore authorized to be made, in as full, ample and beneficial manner to all intents and purposes as the same might or ought to have been held and enjoyed in case this Act had not been passed.

41.
Act not to
affect Rights
of Lords of
Manors.

Saving always to The KING's most Excellent MAJESTY, His heirs and successors, and to all and every other person and persons, bodies politic and corporate, ecclesiastical and civil, his, her or their respective heirs, successors, executors and administrators (other than and except the persons to whom any Allotment or Compensation shall be made by virtue of this Act, in respect of the interest or property for which such Allotment or Compensation shall be made to them in respect of such right, and except such other rights and interests as the intents and purposes hereby authorized shall absolutely require to be barred, destroyed or extinguished by this Act, and all persons respectively claiming under them, or in remainder after them), all such estate, right, title, interest, claim and demand as they, every or any of them had or enjoyed, of, in, to or out of the said Open and Common Meadow or other Fields hereby authorized to be divided, allotted and inclosed before the passing of this Act, or the carrying the powers thereof into execution, or could or might have held or enjoyed in case this Act had not been made, or the powers thereof had not been carried into execution.

42.
Saving the
Rights of His
Majesty.

Common Fields Inclosure.

A

B I L L

[AS AMENDED ON RE-COMMITMENT]

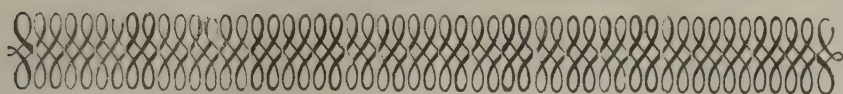
For facilitating the Inclosure of Open and
Arable Fields in *England and Wales.*

(Prepared and brought in by

Mr. Anderson Pelham and Mr. Benett.)

*Ordered, by The House of Commons, to be Printed,
11 July 1836.*

16.5



A

B I L L

[AS AMENDED ON SECOND RE-COMMITMENT]

For facilitating the Inclosure of Open and Arable Fields
in *England* and *Wales*.

[*N.B.*—The Clause marked (A.) was inserted on the Re-commitment,
and the Clause marked (B.) on the Second Re-commitment.]

WH E R E A S there are in many Parishes, Townships and Preamble.
Places in *England* and *Wales* divers Open and Common
Arable, Meadow and Pasture Lands and Fields, and the Lands lying
within the same are frequently very much intermixed and dispersed, and
5 it would tend to the improved cultivation and occupation of all the
aforesaid Lands within such Parishes, Townships and Places, and be
otherwise advantageous to the Proprietors thereof, and Persons
interested therein, if they were enabled by a general Law to divide
and inclose the same: AND whereas an Act was passed in the
10 forty-first year of the reign of his late Majesty King GEORGE the
Third, intituled, “An Act for consolidating in one Act certain Provi-
sions usually inserted in Acts of Inclosure, and for facilitating the
mode of proving the several Facts usually required on the passing of
such Acts;” BE it therefore Enacted, by The KING’s most Excel-
15 lent MAJESTY, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament
assembled, and by the Authority of the same, THAT from and after
the passing of this Act it shall be lawful for Two-third parts in
value (such value to be ascertained as hereinafter mentioned) of the
20 several Persons who shall be seised or possessed of or entitled or
interested in possession to or in any Open and Common Arable Fields
(including any untilled Slips or Balks therein) or any Open and
Common Meadows or Pastures in any Parish, Township or Place in
England or *Wales* known by metes and bounds, or occupied according

1.
Open or
Common
Lands may be
inclosed with
the Consent of
Two-third
Parts in value
of the Parties
interested
therein.

to known and legal rights (except as hereinafter provided), as Tenant in fee-simple, or as a holder of Lands of Copyhold, customary tenant right or other tenure, or in fee-tail, general or special, or for life or lives, or by the courtesy of *England*, or for any other Estate of or as of Freehold, or for years determinable on any life or lives, or for any term of years whereof One hundred Years shall be unexpired, and for the Guardian, Trustee, Feoffee for charitable or other uses, Husband or Committee of such Person who at the time of any agreement for or on the making of any Inclosure authorized by this Act shall be an Infant, Idiot, Lunatic or Feme Covert, or under any other disability, in such manner and with such consent as is hereinafter mentioned, to inclose such Open and Common Arable, Meadow and Pasture Lands and Fields, or any of them : Provided, That no such Inclosure shall take place without the consent in writing under the hands of Two-third parts in value of the Persons so seised, possessed or entitled as aforesaid, or of the Guardians, Trustees, Feoffees, Husbands or Committees aforesaid of such of the said Persons who may be under disability as aforesaid, such value to be ascertained by the Assessments of the Poor Rates of the respective Parishes or Townships for the then current year ; and where the Lands are Extra-parochial, or no Poor Rates shall exist in respect of any such Lands, then by an Annual Value thereof, reduced to the same scale or proportion of the actual Value as other Lands intended also to be inclosed in conjunction therewith are assessed upon to the Poor Rates of any Parish or Township (if any) where such other Lands in conjunction with which such Inclosure is intended to be made shall be situate : Provided also, That no such Inclosure shall take place, nor shall any agreement for that purpose be binding, until a public meeting of the Proprietors and Persons interested in the Lands intended to be inclosed shall have been previously called for the purpose of taking the expediency of such Inclosure into consideration, by notice under the hands of Three or more of such Proprietors or Persons interested, such Notice to be affixed on the principal outer Door of the Church or Chapel of the Parishes, Townships or Places wherein the Lands intended to be inclosed shall lie, or in case there be no such Church or Chapel, then on the Door of the Church or Chapel of some adjoining Parish or Township, and also advertised in some Newspaper circulating in the County wherein such Lands lie, at least Fourteen days before the said intended meeting : Provided, That such Inclosure may after such meeting be proceeded with by and with the consent in writing of Two-third parts in value of the Proprietors and Persons interested in the Lands intended to be inclosed, notwithstanding some of the Parties who may approve of and consent to such Inclosure may not be present at such meeting, and may signify their consent thereto after the same shall have been holden.

And

And be it further Enacted, That whenever any such Inclosure shall be proposed to be made or consented to under the authority of this Act, by any person or persons who, being necessary to make up, and without whom there shall not be consenting parties sufficient to make up the proportion of Two-third parts in value hereinbefore required, and who shall have a less estate or interest in the Land to be inclosed than a fee-simple or a copyhold or customaryhold tenant right or other tenure of inheritance, or shall be under any disability, such consent shall not be available for the purposes of this Act, unless the person to whom the next immediate vested estate of freehold or of copyhold or customaryhold tenant right or other tenure of inheritance, in remainder or reversion, shall have been limited (provided such person shall be of the full age of Twenty-one Years, and being a female shall be unmarried) shall consent thereto in writing; and such consent shall be sufficient for the purposes of this Act, notwithstanding the person giving the same may have an equitable Estate only in the Land intended to be inclosed, or may have previously disposed of, charged or incumbered his Reversionary Estate therein: Provided always, That if the person to whom such next immediate vested Estate, in remainder or reversion, may have been limited, shall, at the time such Inclosure is proposed to be made, happen to be an Infant, Feme Covert, Idiot or Lunatic, it shall be lawful for the Guardian or Husband or Committee of such Infant, Feme Covert, Idiot or Lunatic to consent to such Inclosure in his or her stead: Provided always, That in respect to any Land held in right of any Benefice, no consent of the Incumbent thereof shall alone be available for the purposes of this Act, where such consent shall be necessary to make up the proportion of Two-third parts in value hereinbefore required, without the concurrence of the Patron of such Benefice, and of the Archbishop or Bishop to whose ordinary or peculiar jurisdiction the said Benefice shall be subject: Provided always, That if the Patronage of such Benefice shall happen to be in the Crown, and the Benefice shall exceed the yearly value of Twenty Pounds in The King's Books, no consent of the Incumbent thereof shall be available for the purposes of this Act, where such consent shall be necessary to make up the proportion aforesaid, without the concurrence of the Lord High Treasurer or the First Lord Commissioner of the Treasury for the time being, who are respectively hereby authorized so to concur; but if such Benefice shall exceed the yearly value of Twenty Pounds in The King's Books, then no consent of the Incumbent thereof shall be available for the purposes of this Act, where such consent shall be necessary to make up the proportion aforesaid, without the concurrence of the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal for the time being, who is and are hereby authorized to give such consent on behalf of the Crown; and if the patronage of such Benefice shall happen to be in the Crown, in right of the Duchy of

Lancaster, then no consent of the Incumbent thereof shall be available for the purposes of this Act, where such consent shall be necessary to make up the proportion aforesaid, without the concurrence of the Chancellor for the time being of the said Duchy, who is hereby authorized to give such consent on behalf of the Crown; and if the patronage of such Benefice shall be part of the Possessions of the Duchy of *Cornwall*, no consent of the Incumbent thereof shall be available for the purposes of this Act, where such consent shall be necessary to make up the proportion aforesaid, without the concurrence of the Duke of *Cornwall* for the time being, if of full age; but if not of full age, or in case such Benefice shall be within the patronage of the Crown, in right of the Duchy of *Cornwall*, then of the same person or persons who is hereinbefore authorized to concur on behalf of the Crown, in respect of a Benefice in the patronage of the Crown, and who is and are hereby authorized so to consent on behalf either of the Duke of *Cornwall*, or (as the case may be) on behalf of the Crown in right of the Duchy of *Cornwall*; and if the Patron of such Benefice shall happen to be a Minor, Idiot, Lunatic or Feme Covert, it shall be lawful for the Guardian, Committee or Husband of such Patron to consent to such Inclosure in the stead of such Patron and on his or her behalf.

3.
Commissioners to be nominated by the Parties consenting to the Inclosure.

And be it further Enacted, That whenever the Persons whose consents are hereby rendered necessary to any such Inclosure, shall have consented thereto in manner in that behalf herein authorized and required, it shall be lawful for the major part in value of the Proprietors of and Persons interested in the Lands intended to be divided and inclosed, or their known Agents, who may be present at a Meeting to be called for that purpose, to nominate and appoint in writing under their hands, one or more Person or Persons (not interested in the premises), to be a Commissioner or Commissioners for dividing, allotting and inclosing, and he or they is and are hereby empowered to divide, allot and inclose all or any of the Open and Common Arable Meadow or Pasture Lands or Fields in any such Parish, Township or Place, or in any Parishes, Townships or Places, adjoining or lying within Two Miles of the aforesaid Parish, Township or Place which may have been agreed to be divided, allotted and inclosed as aforesaid; and when and as often as any such Commissioner or any Commissioner to be from time to time appointed in his place, shall die, neglect, or refuse or become incapable to act, it shall be lawful for the major part in value of the Proprietors of such Open Common Arable Fields, or other Lands as aforesaid, so agreed to be divided, allotted and inclosed, or of their Agents assembled at a Public Meeting, to be held in manner hereinbefore mentioned in respect to the meeting for taking such Inclosure into consideration, to nominate and appoint any other Person to be a Commissioner in the stead

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stead or place of the Commissioner so dying, neglecting, refusing or becoming incapable to act as aforesaid; and in case the said Proprietors or Persons interested as aforesaid, shall make default in appointing any new Commissioner within Two calendar Months after
 5 any such death, neglect, refusal or disability shall happen, and shall be known and signified to them, or any Two of them respectively, as aforesaid, then the surviving or remaining Commissioner (if any) shall, and he is hereby required from time to time by writing under his hand, within One calendar Month next after the expiration of the
 10 said period allowed to the Proprietors or Persons interested for naming such new Commissioner to be appointed as aforesaid, to appoint one other Commissioner not interested in the said Inclosure, in the place of such Commissioners so dying, neglecting, refusing or becoming disabled to act as aforesaid; and every such new Commis-
 15 sioner so to be appointed, shall have the like powers and authorities for carrying this Act into execution, in all respects whatsoever, as the Commissioner in whose place he shall have been so appointed and chosen as aforesaid was invested with, under and by virtue of this and the said hereinbefore recited Act.

20 And be it further Enacted, That the said Commissioner or Commissioners shall and they are hereby authorized and empowered to appoint a Clerk to assist him or them in the execution of the said recited Act and this Act, and shall and may remove such Clerk and appoint another in his room as to him or them shall seem meet; and in case of
 25 the death, incapacity, neglect or declining to act of any such Clerk, then and in any such case the said Commissioner or Commissioners shall and may appoint any other person to be Clerk.

4.
Commissioners to
appoint a
Clerk.

And be it further Enacted, That in all cases where Two Commissioners shall have been appointed for any such Inclosure, and any
 30 difference of opinion shall arise between them touching or concerning any matter or thing to be done by them by virtue or in the execution of the said recited Act or this Act, then and in every such case such difference shall be forthwith, or with all convenient speed, referred to such fit and proper Person (not interested in the said Division and
 35 Inclosure) as the said Two Commissioners or their successors shall by writing under their hands appoint as Umpire between them, and which appointment they are hereby required to make at the first meeting next after such difference shall arise, and from time to time afterwards to renew the same in the event of the death, refusal, neglect
 40 or incapacity to act of the Person so appointed; and the matter upon which such difference shall arise shall be settled and determined by such Person so to be appointed Umpire, whose determination therein shall be deemed and taken to be the determination of the said Commissioners or their successors, and shall be reduced into writing, and shall be binding and conclusive upon all parties whomsoever (so far

5.
In case of dif-
ference of
opinion be-
tween Com-
missioners, an
Umpire to be
appointed.

as the acts and determinations of the Commissioners are by the said recited Act or this Act declared to be final and conclusive); and for the purposes aforesaid such Umpire shall have and he is hereby invested with the same powers and authorities as by the said recited Act and this Act are given or vested in the said Commissioners and their successors. 5

6.
Commis-
sioners and
Umpire to
take an Oath.

Provided always, and be it further Enacted, That no Person shall be capable of acting as a Commissioner or an Umpire or a Surveyor in the execution of this Act or the said recited Act, until he shall have taken and subscribed an Oath, or made an Affirmation, in the form or to 10 the effect following, before one of His Majesty's Justices of the Peace for the County, Riding, Division or place in which the Lands intended to be inclosed or some part thereof are situate, which Oath or Affirmation the said Justice is hereby empowered to administer; (that is to say)

Form of Oath.

"I, A. B., do swear, [*or, being one of the people called Quakers, do solemnly affirm,*] That I will faithfully, impartially and honestly, according to the best of my skill and judgment, execute and perform the several powers and authorities vested and reposed in me as a Commissioner [*or, an Umpire*] or Surveyor [*as the case may be*] by virtue of an Act passed in the year 20 of the reign of King WILLIAM the Fourth, intituled, 'An Act,' &c. [*here set forth the title of this Act,*] according to equity and good conscience, without favour or affection, prejudice or partiality to any person or persons whomsoever.

"So help me GOD." 25

[*Or, being a Quaker, omit the words "So help me God."*]

7.
Commis-
sioners to give
Notice of
Meetings, &c.

And be it further Enacted, That the said Commissioner or Commissioners shall and they are hereby required to cause Notice in writing to be affixed to the respective Church Doors of the Parish, Township or Place wherein the Lands intended to be inclosed are 30 situate, or if there be no Church, then on some conspicuous public place there; and also a like Notice to be published in some Newspaper circulating in the County wherein such Lands lie, of the time and place of his or their attendance or meeting, and of all other subsequent attendances or meetings for executing the powers hereby or 35 in and by the said recited Act vested in him or them, Ten Days before any such meeting (meetings by adjournment only excepted); and if there be Two Commissioners, and not more than One of them shall attend at the time and place appointed for any such meeting, it shall be lawful for the Commissioner who shall attend such meeting, or the 40 Clerk of the said Commissioners, to adjourn such Meeting to any future day not exceeding Fourteen Days from the day of adjournment; and such Clerk shall cause Notice of such adjournment to be given to the said Commissioners: Provided always, That all the Meetings of the said Commissioners shall be holden in one of the Parishes

Parishes wherein the Lands to be inclosed are situate, or within Seven Miles of the Boundaries of one of them.

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8.
Mode in which
certain No-
tices are to be
given.

5 Provided always, and be it further Enacted, That all other Notices necessary or requisite to be given by the said Commissioner or Commissioners, shall be so given by affixing the same on the respective Church Doors of the several Parishes, Townships or Places wherein the Lands to be inclosed are situate, or if there be no Church, in some conspicuous public place in such Parishes, Townships or Places, and by Advertisement in a Newspaper circulating in the County
10 wherein such Lands are situate.

9.
Allowance to
Commis-
sioners and
Umpire.

And be it further Enacted, That out of the Money that shall arise for defraying the Expenses of executing this Act, there shall be paid to each of the Commissioners (if more than one), and to the Umpire who shall act in the execution thereof, as a recompense for his pains
15 and trouble, the sum of Three Guineas for each and every day they shall respectively be employed in travelling to, returning from and attending in the execution of this Act, and no more; and at all Meetings to be held in pursuance of this Act the said Commissioners and Umpire shall, out of such allowance, defray
20 their own Expenses; and there shall be paid to the Surveyor or Surveyors to be appointed for the purposes of this Act, such Allowances in respect of his or their services as the said Commissioner or Commissioners shall adjudge to be a full recompense and satisfaction for all his or their Expenses and Charges whatsoever in attending the
25 said Commissioners, and in surveying and admeasuring the Lands and Grounds to be inclosed, and in planning and staking out the several Allotments intended to be made, and in making such Maps and Plans as may be required respectively by virtue of this Act.

10.
A Copy of
Objections to
be left with
the Party ob-
jected to, or
given to his
Agent.

And be it further Enacted, That if any of the Parties interested
30 in the premises shall have any objection or objections to any of the Accounts or Claims which shall be delivered to the said Commissioner or Commissioners by virtue of the said recited Act or of this Act, such objection or objections shall be reduced into writing, and Two parts thereof shall be signed by the Party or Parties making the same,
35 or by some person or persons on his, her or their behalf, and One part thereof shall be delivered to the Party or Parties whose Claim or Account shall be objected to, or to his, her or their agent, or left at his, her or their last and most usual place or places of abode, at such time or times as the said Commissioner or Commissioners shall appoint
40 for that purpose.

11.
For settling
disputes
between
Parties
interested.

And be it further Enacted, That if any dispute or difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division, Allotment and Inclosure, touching or
470. concerning

concerning the respective rights or interests which they or any of them shall claim to have in, to or out of the Lands and Grounds hereby authorized to be divided, allotted and inclosed, or touching or concerning any other matter or thing relating to the said Division, Allotment and Inclosure, it shall be lawful for the said Commissioner or Commissioners, and they are hereby authorized and required to examine into, hear and determine the same respectively; provided that nothing in this Act contained shall authorize the said Commissioner or Commissioners to determine the title to any manors, messuages, cottages, lands, tenements or hereditaments whatsoever.

12.
Commissioners may award Costs.

And be it further Enacted, That in case the said Commissioner or Commissioners shall, upon the hearing and determination of any claim or claims, objection or objections to be delivered to them in pursuance of the said recited Act or this Act, see cause to award any Costs, it shall be lawful for the said Commissioners, and they are respectively hereby empowered, upon application being made to them for that purpose, to settle, assess and award such Costs and Charges as they shall think reasonable to be paid, either for the public account, for or towards the Expenses occasioned in or relating to the investigation, settling and determining of such claim or claims, if finally disallowed, or to the Party or Parties in whose favour any determination of the said Commissioner or Commissioners shall be made, by the person or persons, or body or bodies politic, corporate or collegiate, whose claim or objection shall be thereby disallowed or over-ruled, or against whom the said Commissioner or Commissioners shall have determined as aforesaid; and in case the person or persons, body or bodies politic, corporate or collegiate, who shall be liable to pay such Costs, shall neglect or refuse to pay the same upon demand, it shall be lawful for the said Commissioner or Commissioners, and he and they are hereby authorized and required, by warrant under their hands and seals, directed to any person or persons whomsoever, to cause such Costs to be levied by distress and sale of the goods and chattels of the person or persons, or body or bodies politic, corporate or collegiate so neglecting or refusing to pay the same, rendering the overplus (if any) upon demand to such person or persons, body or bodies politic, corporate or collegiate, whose goods and chattels shall have been so distrained and sold, after deducting the costs and charges attending such distress and sale.

13.
Appeal allowed when Parties are dissatisfied with Decision of the Commissioners.

Provided always, and be it further Enacted, That in case any Person or Persons, Body or Bodies politic, corporate or collegiate, interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any determination of the said Commissioner or Commissioners or Umpire touching or concerning any claim or objection which shall be delivered to the said Commissioners

missioners in pursuance of the said recited Act or this Act, or touching or concerning any property, right or interest intended to be affected by such determination, and shall cause notice in writing of such dissatisfaction to be delivered to or left at the usual places of abode of the Commissioner or Commissioners or Umpire making such determination, and of the Party or Parties in whose favour such determination shall have been made, or his, her or their agent, within Thirty Days next after such determination shall have been notified in writing to the several Parties or Persons interested, it shall be lawful for such Person or Persons, Body or Bodies politic, corporate or collegiate, so dissatisfied and giving such notice as aforesaid, to bring or cause to be brought an action or actions upon a feigned issue against the Person or Persons in whose favour such determination shall have been made, and to proceed to a trial at law of the matter so determined by the said Commissioners or Umpire at the then first or second Assizes to be holden for the County wherein the Lands relating to which such dispute shall arise are situate; and the Defendant or Defendants in such action or actions shall, and he, she and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto and file common bail, and accept one or more issue or issues, whereby such claim or claims, rights in question, and the property, right and interest thereby insisted upon, may be tried and determined; such issue or issues to be settled by the proper Officer of the Court in which the said action shall be commenced, in case the said Parties shall differ about the same; and the verdict or verdicts which shall be given upon the trial of such action shall be binding, final and conclusive, unless the Court wherein such action shall be brought shall set aside such verdict or verdicts, and order a new trial to be had thereon, which it shall be lawful for the said Court to do in case the said Court shall think proper; and after such verdict or verdicts shall be obtained and not set aside, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the claim, property, right or interest thereby determined according to the event of such trial or trials; and the costs and charges payable by the said Commissioner or Commissioners in or relating to such action or actions shall be paid and discharged out of the monies to be raised by him or them for the purposes of this Act: Provided always, That if no such notice shall be given, and such action or actions at law shall not be commenced as aforesaid, or if any such action shall be commenced and the Plaintiff or Plaintiffs therein shall not proceed to trial within the time hereinbefore limited for that purpose, then the determination of the said Commissioner or Commissioners or Umpire shall be final, binding and conclusive to all intents and purposes whatsoever: Provided always, That if any of the Parties in any such action to be commenced as aforesaid shall die before the determination thereof, such action shall not abate by reason thereof, but shall be proceeded

in as if no such event had happened, and that no difference, suit or proceeding as aforesaid, nor any difference or dispute touching the title to any lands, tenements or hereditaments shall impede or delay the said Commissioner or Commissioners in the execution of the powers of this Act, but the Division, Allotment and Inclosure hereby authorized to be made shall be proceeded in, notwithstanding any such difference or proceeding. 5

14.
Death of
Parties not to
abate Actions.

Provided always, and be it further Enacted, That if any Person or Persons in whose favour such determination as aforesaid shall have been made, and against whom any such action or actions might have been brought if living, shall die before any such action or actions shall have been brought, and before the expiration of the time hereinbefore limited for bringing such action or actions, it shall be lawful for the Person or Persons, Body or Bodies politic, corporate or collegiate, who might have brought such action or actions against the Person or Persons so dying, to bring the same within the time so limited as aforesaid against such Person or Persons as aforesaid as if actually living, and to serve the Clerk of the said Commissioner or Commissioners with process for commencing such action or actions in the same manner as the Party or Parties so dying might have been served therewith if living; and it shall thereupon be incumbent upon the Heir or Heirs or other Person or Persons who shall claim the benefit of such determination as aforesaid, to appear and defend such action or actions in the name or names of the Person or Persons so dead; and proceedings shall be had therein in the same manner as if such Person had been actually living, and the rights of all parties shall be equally bound and concluded by the event of such action or actions. 10 15 20 25

15.
Commis-
sioners not to
determine
rights between
Parties except
in cases of
Encroach-
ments.

Provided also, and be it further Enacted, That nothing in this Act contained shall extend to enable the said Commissioner or Commissioners to determine any right between any Parties contrary to the possession of any such Parties, except in cases of encroachments made within the period of Twenty Years next preceding the passing of this Act; but in case the said Commissioner or Commissioners shall be of opinion against the right of the Person or Persons so in possession, they shall forbear to make any determination thereupon, until the possession shall have been given up by, or taken from, such Person or Persons by ejectment or other due course of Law. 30 35

16.
Encroach-
ments made
within 20
Years to be
deemed part
of the Land
to be allotted.

And be it further Enacted, That all Encroachments or Intakes which at any time within Twenty Years next preceding the date of the Agreement for any such Inclosure have been made upon the said Lands and Grounds hereby authorized to be divided and inclosed, shall be deemed and considered part and parcel of the Lands and Grounds to be 40 be

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be allotted and inclosed by virtue of this Act, as if the same were actually lying open and uninclosed, and shall be divided and allotted accordingly ; and in case any dispute or difference shall arise touching any such Encroachments or Intakes, or as to the extent thereof, such
5 dispute or difference shall be determined by the said Commissioner or Commissioners.

Provided also, and be it further Enacted, That in case any such Lands shall have been taken or used at any time before the passing of this Act, for the erection of a School-house or School-houses, or
10 the appurtenances thereto, or for other charitable purposes, such Lands so taken, or the Erections made thereon, shall not be taken or deemed to be of the nature of an Encroachment within the meaning of this Act.

17.
CLAUSE (A.)
Lands used for charitable purposes not to be deemed an Encroachment.

Provided always, nevertheless, and be it further Enacted, That all
15 Lands which shall have been inclosed from the Open Fields, or any of them, for more than Twenty Years next preceding the date of the Agreement for such Inclosure, shall for the purposes of this Act be deemed and taken to be Ancient Inclosures.

18.
Lands inclosed for more than 20 years, shall be deemed to be Ancient Inclosures.

And be it further Enacted, That the said Commissioner or Commis-
20 sioners shall by some writing or writings under their hands, ascertain, order and appoint what recompense and satisfaction in money shall be made to the Owner or Owners of any Crops growing at the time of the said intended Division and Allotment for the said Crops, by the Person or Persons to whom the Lands on which such Crops are growing shall
25 be allotted, and also what recompense and satisfaction in money shall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of Lands to be inclosed as aforesaid, as well for the ploughing, tilling and manuring of any Lands or Grounds which shall be allotted to some other Person or Persons, and for the profit or advantage which any such Person or Persons, to whom the said Lands and
30 Grounds shall be allotted, will obtain thereby, as for any loss or disadvantage which any such Tenant or Tenants, Occupier or Occupiers, shall or may sustain by the loss of any following or way-going Crop, in any of the Open Fields by this Act authorized to be divided, allotted
35 and inclosed, or by means of the said Division, Allotment and Inclosure ; and if in any or either of the said cases last mentioned, such recompense and satisfaction shall not be made at the time and in the manner to be appointed by the said Commissioner or Commissioners, then the said Commissioner or Commissioners shall and may, by any Warrant or
40 Warrants under his or their hands and seals, directed to any Person or Persons whomsoever, (which Warrant or Warrants he or they are hereby authorized and empowered to grant accordingly,) cause the same to be levied by distress and sale of the goods and chattels of the Person or Persons required to make such recompense and satis-

19.
Compensation to be made for Standing Crops.

faction as aforesaid, together with the costs and charges of such distress and sale, rendering the overplus, if any, to the Owner or Owners of such goods and chattels.

20.

Commissioners to direct the Course of Husbandry to be followed.

And be it further Enacted, That the said Commissioner or Commissioners shall, as soon after his or their appointment as conveniently 5
may be, by some writing or writings under his or their hands to be affixed on the principal outer doors of the several and respective Parish Churches in which the Lands to be inclosed are situate, or if there be
no Church, in some conspicuous place in the township or place where
such Lands shall be, order and direct the course of Husbandry that 10
shall be used in, over and upon the Open Arable, Meadow or other Fields to be divided, allotted and inclosed by virtue of this Act, until the time when he or they shall have made and completed the intended Division and Allotment thereof, as well with respect to breaking up and
the laying down, as the ploughing, sowing, fallowing and tilling the 15
same Lands and Grounds; and by the same or any other writing or writings under his or their hands to be affixed as aforesaid, shall and may make such orders and regulations touching the conduct of the Owners and Occupiers of the same Lands and Grounds for the preventing the committing of waste or destruction by any Person or Persons 20
whomsoever upon any of the Lands and Grounds to be divided and allotted by virtue of this Act, in the mean time and until the Allotments and Divisions thereof shall be effected, as to the said Commissioner or Commissioners shall seem expedient; all which orders and regulations of the said Commissioners shall be binding and conclusive upon 25
all parties interested therein, their farmers and tenants; and that the said Commissioners shall set and impose such pecuniary penalties and forfeitures upon every person not conforming to such orders and regulations as they shall think necessary, not exceeding Five Pounds
per acre; all which penalties and forfeitures shall be paid to such Per- 30
son or Persons, and for such uses and purposes as the said Commissioner or Commissioners shall by any such writing or writings as aforesaid, or any other writing or writings, direct or appoint; and the said Commissioner or Commissioners are hereby authorized and required to raise and levy the same for the use of the Person or Persons he or they may 35
consider entitled thereto, by such ways and means as the costs, charges and expenses of carrying this Act and the said recited Act of the forty-first year of the reign of his late Majesty King GEORGE the Third into execution may be raised and levied.

21.

Cattle not to be allowed to graze on inclosed Lands for Seven Years.

Provided always, and be it further Enacted, That it shall not be 40
lawful for any Person or Persons, at any time or times within the space of Seven Years next after the making and executing the Award of the said Commissioners, to graze or keep any sort of Cattle whatsoever in any of the private roads to be set out by virtue of this Act, and
which

which shall be directed by the said Commissioner or Commissioners to be fenced.

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22.

Commissioners to allot Lands to be inclosed.

And be it further Enacted, That the said Commissioner or Commissioners shall apportion, divide, set out and allot the said Open, Common, Meadow or other Fields authorized by this Act to be divided, allotted and inclosed unto and amongst the several Proprietors thereof and persons interested therein, in proportion to their respective shares, rights, property and interest, and in proportion to the true and real value of their several shares, rights, property and interests, and in lieu and full satisfaction of and for such their said several shares, rights, property and interests, to be ascertained and adjusted by such ways and means and in such manner as to the said Commissioners shall seem just and expedient, but subject to the rules, orders and regulations herein contained or referred to and authorized to be established concerning the same.

23.

CLAUSE (B.)
For allotting to several smaller Proprietors in one Plot.

And be it further Enacted, That in case any number of the Proprietors or persons interested in the lands and grounds agreed to be inclosed under the authority of this Act, shall deem it expedient and desire to have their allotments thrown together and distinguished by metes and bounds, but not fenced from each other, and of such their desire shall give notice in writing to the said Commissioner or Commissioners, such Commissioner or Commissioners shall and he and they is and are hereby required to set out the several allotments of the said persons so giving notice as aforesaid, in one plot or parcel of land, distinguishing the portion of such plot or parcel of land allotted to each of such proprietors by metes and bounds, but not requiring them to make any subdivision fences or other fences, save such rings or outer fences as may be necessary, and may be ordered by the said Commissioner or Commissioners, to be made for dividing the said plot or parcel of land from the residue of the lands so to be inclosed.

24.

Empowering Rectors to erect Buildings on Lands allotted in right of Glebe.

AND whereas the Allotments made to any Rector or Vicar who may be entitled to any glebe lands in such Open and Common, Arable, Meadow or other Fields, or some of such Allotments, may probably require some additional Buildings, by reason whereof, and in order to render the same of greater value to the said Rectors and Vicars respectively, and their respective successors, it may be necessary that some Buildings should be erected thereon, and some necessary division as well as interior or subdivision fences may be necessary to be made, planted and raised in and upon the said Allotments or some of them: AND whereas the erecting of such further Buildings, and the making, planting and raising such fences will be attended with considerable expense, and as the same will probably be more beneficial to the successors of such Rectors and Vicars respectively than to the Rector and Vicar in whose incumbency such Allotment and Inclosure may take place; BE it there-

fore further Enacted, That it shall and may be lawful to and for the
 said Rectors and Vicars respectively, and their respective successors, by
 and with the consent in writing of the respective Patrons of the said
 Rectories and Vicarages, and of the Ordinary of the Diocese for the
 time being, to erect or cause to be erected for agricultural purposes such
 further Buildings and Conveniences upon the Allotment or Allotments
 (which Buildings and Conveniences the said Rectors and Vicars respec-
 tively, and their respective successors, are hereby required to cause to be
 insured equal to the value thereof, annually, in some of the Offices in
London established for Insurance against Fire,) so as aforesaid to be
 set out unto the said Rectors and Vicars and their respective suc-
 cessors as aforesaid; and also to make, plant and raise such outer
 division, as well as interior or subdivision fences in and upon the
 said Allotment or Allotments, as the said Commissioner or Commis-
 sioners shall judge necessary and proper for the occupation of the
 Lands so to be allotted to the said Rectors and Vicars respectively,
 and their respective successors, and by any Deed or Deeds, Writing
 or Writings, under the respective hand and seal of such Rectors or
 Vicars respectively, and their respective successors, and attested by
 Two or more credible Witnesses; by and with the consent in writing of
 the Bishop of the Diocese for the time being, to charge such Allot-
 ment or Allotments so as aforesaid to be set out for the said Rectors and
 Vicars respectively, and their respective successors as aforesaid, and
 the Buildings and Conveniences so to be erected thereon, with such
 sum or sums of money, not exceeding in the whole Two Years'
 annual value of the respective Allotments so to be set out to the said
 Rectors and Vicars respectively, as the said Commissioners shall think
 necessary for the purposes of and in order to be applied to paying
 and defraying the charges and expenses of erecting the said further
 Buildings and Conveniences, and of making, planting or raising such
 division or subdivision fences, or for either of the said purposes, and
 in applying for and obtaining the consent of the said Bishop, and
 in exercise of the powers given to and vested in the said Rectors
 and Vicars respectively, by virtue of this Act and the said recited
 Act; which sum or sums of money shall be paid to such person or
 persons as the said Commissioners shall nominate and appoint, in
 order to be applied or disposed of accordingly; and for securing the
 repayment of such sum or sums of money with interest for the same,
 to grant, mortgage, lease or demise the Allotments so as aforesaid to
 be set out unto and for the said Rectors and Vicars respectively, and
 their respective successors as aforesaid, and the Buildings and Con-
 veniences so to be erected thereon, unto such person or persons who
 shall advance and lend the same, his, her and their executors, adminis-
 trators or assigns, for any term or number of years, so that every such
 grant, mortgage, lease or demise be made with a proviso to cease and
 be void, or with an express trust to be surrendered when the sum or

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sums of money thereby to be secured, with the interest thereof, shall be respectively fully paid and satisfied; and such Mortgagee or Mortgagees advancing and lending the money so to be borrowed, shall not be obliged to see to the application or be in anywise answerable for the misapplication of such monies or any part thereof; and the said Rectors and Vicars respectively, and their respective successors for the time being, shall be and are hereby required and made liable, at the end of every year after the date of such mortgage to pay to the person or persons to whom such grant, mortgage, lease or demise shall be made, his, her or their executors, administrators or assigns, One-twentieth part of the respective principal monies so to be borrowed, until the whole thereof shall by such annual payments be paid off and discharged; and also to pay and keep down the interest of the said respective monies so to be borrowed, so that the future Rectors and Vicars of the said respective Parishes or Townships becoming possessed of such respective lands and grounds, shall not be subject or liable (and they are hereby respectively discharged from being subject or liable) to pay any further or larger share of such monies than his or their proportion thereof, according to such last-mentioned condition, or any interest for the same, save only from the day of the death, resignation or cession of the preceding Incumbent of the said Rectories or Vicarages respectively; and that it shall and may be lawful to and for the person or persons who shall advance and lend such monies, his, her or their heirs, executors, administrators and assigns, for the more easily recovering the said One-twentieth part of the said principal, and the whole of the interest which is enacted annually to be paid, to have, use, exercise and take such and the same powers and remedies, by entry and distress upon the premises so to be charged, mortgaged and demised, and sale of such distress as by the Laws now in force are provided for and given to landlords, or as they can use and take for the recovery of rack-rents in arrear.

25.
Rectors, with
consent of
Bishop, may
demise the
Allotments.

And be it further Enacted, That it shall and may be lawful for the Rectors of the said Rectories, and the Vicars of the said Vicarages respectively for the time being, by Indentures under their respective hands and seals, with the consent and approbation of the Bishop of the Diocese for the time being, and of the Patron of the said Rectories and Vicarages, to lease and demise all or any part of the Allotments to be set out and allotted to them respectively by virtue of this Act, to any Person or Persons whomsoever, for any term not exceeding Twenty-one Years, to commence within Twelve calendar Months from the setting out and making of such Allotments respectively, so that the Rent or Rents for the same shall be thereby reserved to such Rectors and Vicars for the time being, by Four equal quarterly payments in every Year, and so that there be thereby reserved to such Rectors and Vicars the best and most improved Rent or Rents that can be reason-

ably gotten for the same, without taking any fine, foregift, premium, sum of money or other consideration for granting any such Lease, and so that no such Lessee by any such Lease or Demise be made dispunishable for waste by any express words to be therein contained, and so that there be inserted in every such Lease power of re-entry 5 on nonpayment of Rent or Rents, to be thereby reserved within a reasonable time to be therein limited, after the same shall become due, and so that a counterpart of such Lease be duly executed by the Lessee or Lessees to whom such Lease shall be made as aforesaid; and every such Lease shall be valid and effectual, any law or usage to 10 the contrary notwithstanding.

26.

Commis-
sioners in
certain cases
to apportion
Expenses of
erecting Boun-
dary Fences.

Provided always, and be it further Enacted, That in case, through the necessity of situation or any other accident or circumstance, it shall happen that one or more of the said Proprietors shall not have an equal or proportionable quantity of Boundary Mounds or Fences 15 allotted to him, her or them on the said intended Inclosure, it shall be lawful for the said Commissioner or Commissioners, when he or they shall judge it necessary and reasonable, to award, order, ascertain and appoint what sum or sums of money such Proprietor or Proprietors shall respectively pay and contribute towards making the Mounds and 20 Fences of the Allotments of such other Proprietor or Proprietors who shall or may have too great a proportion of Mounding or Fencing allotted to him, her or them by virtue of this Act; the same to be settled by the said Commissioner or Commissioners in such manner as he or they shall order, direct or appoint; and the money so ordered, 25 directed or appointed to be paid, shall be raised, levied and recovered in such and the same manner as the other expenses of this Act are herein or by the said recited Act ordered and directed to be levied and recovered.

27.

Act not to
affect Settle-
ments.

Provided always, and be it further Enacted, That nothing in this 30 Act contained shall extend or be construed or adjudged to extend to revoke, make void, alter or annul any Settlement, Deed, Will or Lease, or to prejudice any Person having any right or claim of Dower, Jointure, Annuity, Rent Charge, Debt or Incumbrance whatsoever, in, out of, upon or affecting any of the Lands, Tenements or Heredita- 35 ments hereby authorized to be divided and allotted, or which shall be exchanged or assigned in compensation for any other estate or right in pursuance of this Act; but as well the Lands allotted as the Tene- 40 ments or other Hereditaments which shall be assigned in exchange or as a compensation for any other estate or right, shall immediately after such allotment, exchange or assignment shall be made, be vested, remain and enure, and the several persons to whom the same shall be allotted, assigned or given in exchange as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively, to, for and upon such

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such and the same uses, estates, intents, trusts and purposes respectively, and subject and liable to such and the same deeds, wills, settlements, limitations and remainders, conditions, charges, tenures, rents, services and incumbrances as the several Lands, Tenements and Hereditaments in respect whereof such allotments, assignments and exchanges shall have been made, should or would have stood severally limited, settled, or subject or liable to, or been held by, in case the same had not been allotted, assigned or exchanged, and this Act had not been made or acted upon; save and except such rents and services as shall have been compensated for and extinguished, and such Leases and Tenancies at rack rents as shall become void by virtue of this Act, and subject nevertheless to all such Mortgages and Sales as shall be made by authority of this Act, or of the said Act of the forty-first year of the reign of his late Majesty King GEORGE the Third.

15 Provided also, and be it further Enacted, That all Leases, Agreements and Tenancies at rack rent subsisting of any part or parts of the Lands and Grounds hereby authorized to be divided, allotted and inclosed at the time of the first appointment of any Commissioner or Commissioners for the Inclosure thereof, or which shall be exchanged in pursuance of this Act, shall, so far only as respects the Lands hereby authorized to be divided and allotted or exchanged, cease and be void at such time or times as the said Commissioner or Commissioners shall by writing under his or their hands direct or appoint, so as the respective Lessors or Landlords of such Lands or Tenements do, before or at the respective times at which such Leases or Tenancies shall be directed to cease, make and pay such satisfaction to the respective Lessees or Tenants, for the loss which shall be sustained by the determination of such Leases respectively, so far as regards the said Lands, the Tenancy and Leases whereof are hereby authorized to be determined, as shall be mutually settled and agreed between them, or as the said Commissioner or Commissioners being required by either of the Parties shall ascertain and direct; and the said Commissioner or Commissioners, being so required, are hereby empowered and directed to apportion a reasonable and proportionable part, according to the season of the year, of the Rent reserved on any such Lease or Agreement, for or in respect of the time which shall have elapsed between the last day on which any payment of the Rent shall have become due, and the determination of any such Lease or Agreement; and such part of the Rent shall be recoverable by such ways and means as may by Law be used for the recovery of Rent in arrear; and the said Commissioners are hereby empowered and directed in every case where such Lands or other Hereditaments shall be held by virtue of such Lease or Agreement, together with other Lands or Hereditaments, by one entire Rent, to apportion and determine what part of such Rent shall be deducted in respect of such of the Lands or other Hereditaments in such Lease or Agree-

28.
Leases at
Rack Rent
may be
voided.

ment comprised, as to which the same shall be determined as aforesaid, and from what time such deduction shall take place; and the rest of the Rent reserved on any such Lease or Agreement shall, during the remainder of the Term thereof, be the Rent of and for the residue of such Lands and Hereditaments, and shall be payable and recoverable in like manner as the entire Rent reserved by such Lease or Agreement shall, immediately before such apportionment, be payable and recoverable. 5

29.
Exchanges
may be made.

And be it further Enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Lands, Tenements or Hereditaments whatsoever, within the parishes, townships or places in which the Lands to be allotted and inclosed are situated, or any of them, in lieu of and in exchange for any other Lands, Tenements or Hereditaments within the same parishes, townships or places respectively, or any of them, or within any parish, township or place adjoining to the said parishes, townships or places respectively, or any of them; provided that all such exchanges shall be ascertained, specified and declared in the Award of the said Commissioner or Commissioners, and be made with the consent of the proprietor or proprietors of the hereditaments and premises which shall be so exchanged, whether such proprietor or proprietors shall be a body or bodies politic, corporate or collegiate, corporation aggregate or sole, rector, parson, vicar or other ecclesiastical person or persons, or a tenant or tenants in fee-simple or for life, or in fee-tail, special or general, or by the courtesy of *England*, or for years determinable on any life or lives by and with the consent of the lessor or lessors, but not otherwise, or with the consent of the guardians, husbands, committees or attornies of or acting for any such proprietor or proprietors who, at the time of making such exchange or exchanges, shall be respectively infants, femmes covert, idiots, lunatics, or under any other legal disability, or who shall be beyond the seas, or otherwise disabled to act for themselves, himself or herself, or of the trustees or feoffees for charitable, parochial or other uses, or of the person or persons having power to sell and dispose of the premises which shall be so exchanged (such consent to be testified in writing under the common seal of the body politic, corporate or collegiate, and under the hands of the other consenting parties respectively); and all and every such exchange and exchanges so to be made respectively shall be good, valid and effectual in the law to all intents and purposes whatsoever: Provided nevertheless, That no exchange shall be made of any Lands, Tenements and Hereditaments held in right of any church, chapel or other ecclesiastical benefice, without the consent testified as aforesaid of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements and Hereditaments shall be situate. 10 15 20 25 30 35 40

Provided

Provided always, and be it further Enacted, That the Lands, Grounds and Hereditaments which shall be allotted or exchanged by virtue of this Act shall be held in like manner, under and by virtue of the same terms and rents, and shall be thereafter deemed to be of the same quality and tenure as the Lands, Tenements or Hereditaments, in respect of which such Allotment or Allotments or Exchanges shall be made, were held or deemed to be of, immediately before the making of every such Allotment or Exchange respectively: Provided always, That when the Tithes of any Common Field agreed to be allotted or inclosed under the provisions of this Act belong to different persons or do not extend over the whole of such Common Field, it shall be lawful for the Commissioners or Commissioner to allot the Tithes as well as the Land, in order that all persons may have Tithe-free Allotments in lieu of Lands which were before exempted from Tithes.

30. *183*
Allotments to be under the same Tenure as the Lands in respect of which they are allotted.

Provided also, and be it further Enacted, That all Costs, charges and expenses attending the making any exchanges and partitions shall be paid and borne by the several persons making such exchanges and partitions, in such manner and in such proportions as the said Commissioner or Commissioners shall, by any writing under his or their hands, order and direct.

31.
For defraying Expense of Exchanges.

And be it further Enacted, That the said Commissioner or Commissioners shall and may scour out, widen and alter all such ancient ditches, drains, watercourses, tunnels, gates and bridges in the respective Open Common Arable, Meadow or other Fields (or any one of them) hereby authorized to be allotted and inclosed, and also shall and may set out, widen and make any new ditches, drains, watercourses, tunnels, gates and bridges in, through and over the Lands and Grounds hereby authorized to be divided, allotted and inclosed (the expenses thereof to be raised and defrayed as the other expenses of executing the powers of this Act are herein directed to be raised and defrayed), and of such breadth, depth and dimensions, and in such directions as the said Commissioners shall think proper; and the said Commissioner or Commissioners shall and may, and they are hereby directed and required, in and by their Awards, to order and determine by whom and at whose expense, and at what time and in what manner the said ditches, drains, watercourses, tunnels, gates and bridges shall be afterwards cleansed, scoured and maintained; and also shall and may direct, order and award all or any of the streams, springs and watercourses within the said Lands and Grounds hereby authorized to be divided, allotted and inclosed, to be carried, diverted and turned into such courses, and through, over and across such parts of the Lands and Grounds hereby authorized to be divided, allotted and inclosed, as they the said Commissioners shall in their discretion judge

32.
Ditches may be widened.

proper for the draining or watering the several Allotments so to be made as aforesaid.

33.
Persons interested in Allotments may sell the same.

And be it further Enacted, That it shall and may be lawful for any Person or Persons interested in the said Allotments, at any time to mortgage, sell, demise or dispose of all such estate, right, title, interest and property which he, she or they shall then have in or to the said Open Common Arable, Meadow or other Fields (or any one of them), and of the Allotments set out in lieu thereof, before the execution of the Award of the said Commissioner or Commissioners ; and it shall be lawful for the said Commissioner or Commissioners, and he or they are hereby authorized and required, upon the conveyance or other instrument, by which such sale or disposition is confirmed, being produced to them, and the execution thereof proved to their satisfaction, to allot the same to the Purchaser or Purchasers thereof respectively ; and if not so allotted, such conveyance or other instrument shall be valid and effectual in law, notwithstanding it may have been so made before the execution of the said Award.

34.
Tenants for Life empowered to sell part of Allotments to defray Expenses.

And be it further Enacted, That it shall be lawful for the said Commissioner or Commissioners, in case he or they shall be requested by writing under the hand or hands of any Person or Persons being tenant for life, or other person being in possession of, but not having the absolute estate or interest in any Lands hereby authorized to be allotted and inclosed, to sell and dispose of any part or parts of the Allotment or Allotments belonging to such Person or Persons, for the purpose of defraying his, her or their shares of the costs, charges and expenses of putting into execution this Act and the said recited Act of the forty-first year of the reign of his late Majesty King GEORGE the Third, and the expenses of fencing, ditching, subdividing and inclosing such Allotment or Allotments ; and the said Commissioners shall accordingly sell such part or parts of such Allotment or Allotments, either by private contract or public auction, as they shall think proper, to such Person or Persons as shall be willing to purchase the same, and shall convey the same to such purchaser or purchasers by any deed under their hands and seals ; and the receipt of the said Commissioners for such money shall be a full and complete discharge to such purchaser or purchasers for such purchase money ; and the said Commissioners shall apply the purchase money in or towards the payment of such expenses, and in fencing, ditching, subdividing and inclosing the said Allotment or Allotments respectively ; but such purchaser or purchasers shall not be liable to see to the necessity or expediency of such sale, nor be answerable nor accountable for the misapplication of such purchase money ; and upon the payment of such purchase money or purchase monies into the hands of the said Commissioner or Commissioners, the Lands so to be sold as last aforesaid shall

shall immediately thereupon be vested in fee-simple in possession (if such Allotment or Allotments is or are made in right of freehold) in the purchaser or purchasers thereof; and the same shall be thenceforth held in severalty by such purchaser or purchasers thereof respectively, as his, her or their private property, and shall be allotted accordingly by the said Commissioner or Commissioners.

Provided always, and be it further Enacted, That where any Allotment or Allotments so to be made to any Person or Persons being tenant for life or in tail, or other Person being in possession, but not having the absolute estate or interest in any Lands hereby authorized to be allotted and inclosed, which stand limited to the same uses, shall be situated partly in one and partly in another parish or township, or place, it shall and may be lawful to and for the said Commissioner or Commissioners, in case they shall be requested, as last hereinbefore mentioned to sell and dispose of, and to convey and assure to the purchaser or purchasers thereof, any part or parts of the said Allotments belonging to such Person or Persons, in any one or more of the said parishes, townships or places, in manner in that behalf hereinbefore mentioned, as well for the purpose of defraying his, her or their share or shares of the costs, charges and expenses of putting into execution this Act and the said recited Act, and the expenses of fencing, ditching, subdividing, and draining such Allotment or Allotments in respect of such of the said Lands as are situated within the same parish wherein the said Allotment or Allotments so sold may be situated, as, for and in respect of such of the said Lands or other Hereditaments or Allotments as may be situated in any other township or place: Provided always, That it shall not be lawful to raise by such sale any further or greater sum of money than the Person or Persons, part of whose Allotment or Allotments may be sold or disposed of, would have been empowered and authorized to borrow or charge upon his, her or their Allotment or Allotments, under or by virtue of the said recited Act or this Act, reckoning Five Pounds for each and every acre of such Allotment or Allotments.

35.
When Allotments to a Tenant for Life are in different Parishes, Commissioners may sell the Land in one Parish to defray Expenses attending the other portion of the Allotment.

Provided always, and be it further Enacted, That it shall not be lawful for the Proprietor or Person from whose Allotments Lands shall be as aforesaid deducted, to charge his, her or their Lands or Hereditaments, by virtue of the said recited Act or this Act, with any money towards payment of such expenses, unless the money to arise by such sale shall be less than the sum of Five Pounds per acre; and then and in such case it shall be lawful for such Person or Persons to charge his, her or their estate or estates with, or to raise by mortgage thereof or other means or ways as mentioned in the said recited Act or this Act, such further sum of money as may be necessary for the payment of the expenses of executing this Act, and subdividing the said Allotments,

36.
Not to charge Lands with Expenses, unless the sum to arise by the Sale shall be less than 5l. per Acre.

ments, as, together with the value of the Lands so deducted, shall not exceed the amount that might be borrowed and charged on the Lands to be divided and allotted at the rate of Five Pounds for each and every acre.

37.

For Payment
of Expenses
of measuring,
dividing, al-
lotting and in-
closing Open
and Common
Lands.

And be it further Enacted, That the charges and expensés of 5
surveying, valuing, planning, measuring, dividing and allotting the
said Open and Common, Meadow or other Fields hereby authorized to
be divided, allotted and inclosed, and of fencing the Lands of the
Persons from whom a deduction of Land shall be made as hereinbefore 10
directed, and also the expenses of preparing and enrolling the Awards
of, and the allowances and payments to be made to the said Commis-
sioner or Commissioners, Umpire and Surveyors respectively as here-
inbefore directed, and all other charges and expenses incident to 15
or attending the carrying this Act into execution shall be paid, borne
and defrayed by all the Proprietors of the Lands and Hereditaments
so authorized to be divided, allotted and inclosed or exchanged, in such
proportions as the said Commissioner or Commissioners shall settle,
adjust and determine, to be paid at such time or times, and to such 20
Person or Persons as they the said Commissioner or Commissioners
shall order and direct; Notice thereof in writing under their hands
being given Thirty Days before the time such payment shall be
required.

38.

Commis-
sioners to
account.

And be it further Enacted, That once at least in every year, to be
computed from the first appointment of such respective Commissioner
or Commissioners, the Accounts of the said Commissioners, Commis- 25
sioner or Umpire, containing a true statement of all and every Sum
and Sums of Money by them received and expended, or due to them
for their trouble and expense in the execution of this Act and the
said recited Act of the forty-first year of the reign of his late Majesty
King GEORGE the Third, until such Account shall be finally settled, 30
shall, together with the Vouchers relating to the same, be by them
laid before one of his Majesty's Justices of the Peace for the County
in which the Lands to be inclosed, or the greater part of them, shall
be situated, to be by him examined and balanced; and such balance
shall be stated in the Books of Account, to be kept in the Office of 35
the Clerk of the said Commissioners, and no charge or item in such
Account shall be binding on the Parties concerned, or valid in Law,
unless the same shall be so allowed.

39.

Awards.

And be it further Enacted, That the said Commissioner or Com-
missioners, shall make and execute Awards, with Maps or Plans 40
thereto annexed, and shall cause the same to be enrolled manner as
directed by the said recited Act; and such Awards shall be deposited
in the respective Parish Churches of the Parishes wherein the Lands
so to be allotted and inclosed, or the greater part thereof, are situated.
And

And be it further Enacted, That all and every the Clauses, Provisions and Enactments contained in the said Act of the forty-first year of the reign of King GEORGE the Third, or such of them as are applicable to and consistent with the purposes and object of this Act, shall and may be in full force and effect for carrying into effect the Allotments, Division, Enclosures and Exchanges hereby authorized to be made, as fully and effectually as if such Clauses, Provisions and Enactments had been herein repeated and re-enacted, and had been made part of this Act, with such alterations and variations as would adapt them and render them applicable to the object and purposes of this Act.

40. Provisions of Act 41 Geo. 3, where not altered or repealed, extended to this Act.

And be it further Enacted, That it shall be lawful for all Persons who shall think themselves aggrieved by any thing done by virtue of this Act or the said recited Act (except in cases where the things so done are herein or by the said Act of the forty-first year of his late Majesty King GEORGE the Third, declared to be final, binding and conclusive) to appeal to the General Quarter Sessions of the Peace which shall be held in and for the County, Riding or Division wherein the Lands, or the greater part thereof, in respect of which the matter of complaint may arise, shall be situated, or any adjournment thereof, within Six calendar Months next after the cause of complaint shall have arisen, first giving or causing to be given Twenty-eight Days' notice thereof in writing to the said Commissioner or Commissioners, or one of them, or to the parties intended to be appealed against; and the Justices at their said Quarter Sessions, or any adjournment thereof, are hereby authorized and required to hear and determine the matter of every such Appeal, and to make such Order therein, and to award such Costs as to them in their discretion shall seem meet, and by their Warrant to levy the Costs awarded by distress and sale of the goods and chattels of the parties respectively adjudged to pay the same, rendering the overplus (if any) to the respective owners of such goods and chattels, after deducting the reasonable charges of such distress and sale; and every determination of the said Justices shall be final and conclusive on all parties concerned; and no such complaint, appeal or proceeding shall be removed or removable by Certiorari or any other writ or proceeding whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such appeal shall appear to the said Justices to be frivolous, vexatious or without foundation, then the said Justices shall award such costs to be paid by the Appellant or Appellants as to them in their discretion shall seem reasonable, and to be levied in manner aforesaid.

41. Appeal to Quarter Sessions, where Parties think themselves aggrieved.

Provided always, and be it further Enacted, That nothing in this Act contained shall authorize the inclosure of any open and common meadow or pasture fields belonging to any Municipal Corporation, or of the wastes of any manor, the soil whereof is or shall be vested

42. Act not to affect Rights of Lords of Manors.

in the Lord of such manor, nor shall any thing in this Act contained prejudice, lessen or defeat the right, title or interest of the respective Lords for the time being of any such Manors in or to any of the royalties or seignories, fisheries, manorial and other rights, customs and services incident or belonging to the said respective manors, or any of them; but that such respective Lords, and all and every person and persons claiming in trust for him or them as such respective Lords for the time being of the said several and respective manors, shall and may at all times for ever hereafter have, hold, receive, take and enjoy all rents, services, courts, perquisites and profits of courts, fines, goods and chattels of felons and fugitives, felons of themselves, and put in exigent deodands, waifs, estrays and forfeitures, privileges and jurisdictions of their several and respective manors, to the respective Lords thereof, or any person or persons claiming under him or them, incident, belonging or appertaining, except in respect of any Land or Estate for which compensation is hereinbefore authorized to be made, in as full, ample and beneficial manner to all intents and purposes as the same might or ought to have been held and enjoyed in case this Act had not been passed.

43.
Saving the
Rights of His
Majesty.

Saving always to The KING's most Excellent MAJESTY, His heirs and successors, and to all and every other person and persons, bodies politic and corporate, ecclesiastical and civil, his, her or their respective heirs, successors, executors and administrators (other than and except the persons to whom any Allotment or Compensation shall be made by virtue of this Act, in respect of the interest or property for which such Allotment or Compensation shall be made to them in respect of such right, and except such other rights and interests as the intents and purposes hereby authorized shall absolutely require to be barred, destroyed or extinguished by this Act, and all persons respectively claiming under them, or in remainder after them), all such estate, right, title, interest, claim and demand as they, every or any of them had or enjoyed, of, in, to or out of the said Open and Common Meadow or other Fields hereby authorized to be divided, allotted and inclosed before the passing of this Act, or the carrying the powers thereof into execution, or could or might have held or enjoyed in case this Act had not been made, or the powers thereof had not been carried into execution.

Common Fields Inclosure.

A

B I L L

[AS AMENDED ON SECOND RE-COMMITMENT]

For facilitating the Inclosure of Open and
Arable Fields in *England and Wales.*

(Prepared and brought in by

Mr. Anderson Pelham and Mr. Benett.)

Ordered, by The House of Commons, to be Printed,

21 July 1836.

191
17 August 1836.—7 WILL. IV.



A

B I L L

[AS AMENDED BY THE LORDS]

INTITULED

AN ACT for facilitating the Inclosure of Open and Arable Fields in England and Wales.

Note.—*The Figures in the Margin denote the Number of Presses in the Ingrossment.*

The Words printed in 'Italics' were added by the Lords, and the Words in 'Black Letter,' at the Bottom of the Pages, were left out by the Lords.

1 **W**HEREAS there are in many Parishes, Townships, and Places in England and Wales divers Open and Common Arable, Meadow, and Pasture Lands and Fields, and the Lands¹ *of the several Proprietors of* the same are frequently very much intermixed and dispersed, and it would tend to the improved Cultivation and Occupation of all the aforesaid Lands within such Parishes, Townships, and Places, and be otherwise advantageous to the Proprietors thereof and Persons interested therein, if they were enabled by a general Law to divide and inclose the same : And whereas an Act was passed in the Forty-first Year of the Reign of His late Majesty King George the Third, intituled, “An Act for consolidating in One 41G.3. c.109. Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts :” *And whereas another Act was passed in the*

¹ *lying within*

Open or
Common
Lands may
be inclosed
with the
Consent of
Two Third
Parts in
Value of the
Parties
interested
therein.

*First Year of His late Majesty King George the Fourth, intituled
“ An Act to amend the Law respecting the inclosing of Open Fields,
Pastures, Moors, Commons, and Waste Lands in England :”* Be it
therefore enacted by the King’s most Excellent Majesty, by and with
the Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same, That from and after the passing of this Act it shall be ²
lawful for Two Third Parts in *Number and Value* (such Value to be
ascertained as herein-after mentioned) of the several Persons who
shall be seised or possessed of or entitled ¹ in possession to or *inte-
rested in possession in any Rights of Common or other Rights* in any
Open and Common Arable Fields (including any untitled Slips or
Balks therein) or any Open and Common ² *Meadow* or ³ *Pasture
Lands or Fields* in any Parish, Township, or Place in England or
Wales, known by Metes and Bounds, or occupied according to known
and legal Rights (except as herein-after provided), as Tenant in Fee
Simple, ⁴ or in Fee Tail, General or Special, or for Life or Lives, or
by the Courtesy of England, or for any other Estate of or as of
Freehold, or for Years determinable on any Life or Lives, or for any
Term of Years whereof One hundred Years shall be unexpired, or
as a Holder of Lands or Rights of Copyhold, Customary, Tenant Right,
or other Tenure, of an Estate or Interest equal in Quantity to the
Estates herein-before mentioned with respect to Lands of Freehold
Tenure, and for the Guardian, Trustee, Feoffee for charitable or
other Uses, Husband or Committee of such Person who at the
Time of any Agreement for or on the making of any Inclosure
authorized by this Act shall be an Infant, Idiot, Lunatic, or Feme
Covert, or under any other Disability, in such Manner and with ³
such Consent as is herein-after mentioned, to inclose such Open
and Common Arable, Meadow, and Pasture Lands and Fields, or
any of them, and to extinguish the Right of Inter-commonage which
shall exist as well over as in respect of such Land ; provided that
no such Inclosure shall take place without the Consent in Writing
under the Hands of Two Third Parts in *Number and Value* of the
Persons so seised, possessed, or entitled or interested as aforesaid,
or of the Guardians, Trustees, Feoffees, Husbards, or Committees
aforesaid of such of the said Persons who may be under Disability

¹ or interested

² Meadows

³ Pastures

⁴ or as a Holder of Lands of Copyhold, Customary, Tenant
Right, or other Tenure,

as aforesaid, such Value to be ascertained by the Assessments of the Poor Rates of the respective Parishes or Townships for the then current Year, *which Assessments of the Poor's Rates, in case they shall not be made according to the full annual Value of the Tenements and Property thereby assessed, shall be increased or diminished so as to represent the full or true annual Value of the several Lands, Fields, and Rights liable to be affected by the intended Inclosure*, and where the

⁴ Lands are Extra-parochial, or no Poor Rates shall exist in respect of any such Lands, then by ¹ *the full or true annual Value thereof*²: Provided also, that no such Inclosure shall take place, nor shall any Agreement for that Purpose be binding, until a public Meeting of the Proprietors and Persons interested in the Lands intended to be inclosed shall have been previously called for the Purpose of taking the Expediency of such Inclosure into consideration by Notice under the Hands of Three or more of such Proprietors or Persons interested, such Notice to be affixed on the principal outer Door of the Church or Chapel of the Parishes, Townships, or Places wherein the Lands intended to be inclosed shall lie, or in case there be no such Church or Chapel, then on the Door of the Church or Chapel of some adjoining Parish or Township or Place, and also advertised in some Newspaper circulating in the County wherein such Lands lie, at least Fourteen Days before the said intended Meeting; provided that such Inclosure may after such Meeting be proceeded with by and with the Consent in Writing of Two Third Parts in *Number and Value* of the Proprietors and Persons interested in the Lands

⁵ intended to be inclosed, notwithstanding some of the Parties who may approve of and consent to such Inclosure may not be present at such Meeting, and may signify their Consent thereto after the same shall have been holden.

II. And be it further enacted, That whenever any ³ Inclosure shall be proposed to be made or consented to under the Authority of this Act, or *any Agreement for Compensation in pursuance of the*

The Consent of the Tenant in Remainder necessary in certain Cases.

¹ an

² reduced to the same Scale or Proportion of the actual Value as other Lands intended also to be inclosed in conjunction therewith are assessed upon to the Poor Rates of any Parish or Township (if any) where such other Lands in conjunction with which such Inclosure is intended to be made shall be situate:

such
579.

Provisions

Provisions in that respect herein-after contained shall be entered into, by any Person or Persons who being necessary to make up, and without whom there shall not be consenting Parties sufficient to make up, the Proportion of Two Third Parts in Number and Value herein-before required, or other the Proportion herein-after required in the Case of an Inclosure without the Assistance of Commissioners, and who shall have a less Estate or Interest in the Land to be inclosed, or the said Rights therein, than a Fee Simple or an Estate in Tail, or be an Holder of a Copyhold or Customaryhold Tenant Right or other Tenure¹ in such Lands or Rights for any less Estate than an Estate or Interest in Fee or in Tail, or shall be under any Disability, such Consent shall not be available for the Purposes of this Act unless the Person to whom the next immediate vested 6 Estate of Freehold or of Copyhold or Customaryhold Tenant Right or other Tenure of Inheritance, in Remainder or Reversion, shall have been limited, (provided such Person shall be of the full Age of Twenty-one Years, and being a Female shall be unmarried,) shall consent thereto in Writing; and such Consent shall be sufficient for the Purposes of this Act, notwithstanding the Person giving the same may have an equitable Estate only in the Land intended to be inclosed, or may have previously² charged or incumbered his Reversionary Estate therein: Provided always, that if the Person to whom such next immediate vested Estate in Remainder or Reversion may have been limited shall at the Time such Inclosure is proposed to be made happen to be an Infant, Feme Covert, Idiot, or Lunatic, it shall be lawful for the Guardian or Husband or Committee of such Infant, Feme Covert, Idiot, or Lunatic to consent to such Inclosure in his or her Stead: Provided always, that in respect to any Land held in right of any Benefice no Consent of the Incumbent thereof shall alone be available for the Purposes of this Act, where such Consent shall be necessary to make up the Pro- 7 portion of Two Third Parts in Number and Value herein-before required, or other the Proportion herein-after required in the Case of an Inclosure without the Assistance of Commissioners, without the Concurrence of the Patron of such Benefice, and of the Archbishop or Bishop to whose Ordinary or Peculiar Jurisdiction the said Benefice shall be subject; and if the Patron of such Benefice shall happen to be a Minor, Idiot, Lunatic, or Feme Covert, it shall be lawful for the Guardian, Committee, or Husband of

¹ of Inheritance,

² disposed of,

such

such Patron to consent to such Inclosure in the Stead of such Patron and on his or her Behalf: Provided always, that if the Patronage of such Benefice shall happen to be in the Crown, and the Benefice shall exceed the yearly Value of Twenty Pounds in the King's Books, no Consent of the Incumbent thereof shall be available for the Purposes of this Act, where such Consent shall be necessary to make up *either of* the Proportions aforesaid, without the Concurrence of the Lord High Treasurer or the First Lord Commissioner of the Treasury for the Time being, who are respectively hereby authorized so to concur; but if such Benefice shall *not* exceed the yearly Value of Twenty Pounds in the King's Books, then no Consent of the Incumbent thereof shall be available for the Purposes of this Act, where such Consent shall be necessary to make up *either of* the Proportions aforesaid, without the Concurrence of the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal for the Time being, who is and are hereby authorized to give such Consent on behalf of the Crown.¹

¹ and if the Patronage of such Benefice shall happen to be in the Crown in right of the Duchy of Lancaster, then no Consent of the Incumbent thereof shall be available for the Purposes of this Act, where such Consent shall be necessary to make up either of the Proportions aforesaid, without the Concurrence of the Chancellor for the Time being of the said Duchy, who is hereby authorized to give such Consent on behalf of the Crown; and if the Patronage of such Benefice shall be Part of the Possessions of the Duchy Cornwall, no Consent of the Incumbent thereof shall be available for the Purposes of this Act, where such Consent shall be necessary to make up either of the Proportions aforesaid, without the Concurrence of the Duke of Cornwall for the Time being, if of full Age, but if not of full Age, or in case such Benefice shall be within the Patronage of the Crown in right of the Duchy of Cornwall, then of the same Person or Persons who is herein-before authorized to concur on behalf of the Crown in respect of a Benefice in the Patronage of the Crown, and who is and are hereby authorized so to consent on behalf either of the Duke of Cornwall, or (as the Case may be) on behalf of the Crown in right of the Duchy of Cornwall.

Commis-
sioners to be
nominated by
the Parties
consenting to
the Inclosure.

III. And be it further enacted, That whenever the Persons whose Consents are hereby rendered necessary to any such Inclosure shall have consented thereto in manner in that Behalf herein authorized and required, it shall be lawful for the major Part in *Number and Value* of the Proprietors of and Persons interested in the Lands intended to be divided and inclosed, or their known Agents, who may be present 10 at a Meeting to be called for that Purpose, to nominate and appoint in Writing under their Hands One or more Person or Persons (not interested in the Premises) to be a Commissioner or Commissioners for dividing, allotting, and inclosing, and he or they is and are hereby empowered to divide, allot, and inclose, all or any of the Open and Common Arable Meadow or Pasture Lands or Fields in any such Parish, Township, or Place, or in any Parishes, Townships, or Places adjoining or lying within Two Miles of the aforesaid Parish, Township, or Place which may have been agreed to be divided, allotted, and inclosed as aforesaid; and when and as often as any such Commissioner, or any Commissioner to be from Time to Time appointed in his Place, shall die, neglect or refuse or become incapable to act, it shall be lawful for the major Part in *Number and Value* of the Proprietors of such Open Common Arable Fields or other Lands or *Fields* as aforesaid so agreed to be divided, allotted, and inclosed, or of their Agents, 11 assembled at a public Meeting to be held in manner herein-before mentioned in respect to the Meeting for taking such Inclosure into consideration, to nominate and appoint any other Person *not interested in the Premises* to be a Commissioner in the Stead or Place of the Commissioner so dying, neglecting, refusing, or becoming incapable to act as aforesaid; and in case the said Proprietors or Persons interested as aforesaid shall make default in appointing any new Commissioner within Two Calendar Months after any such Death, Neglect, Refusal, or Disability shall happen, and shall be known and signified to them or any Two of them respectively as aforesaid, then the surviving or remaining Commissioner (if any) shall and he is hereby required from Time to Time, by Writing under his Hand, within One Calendar Month next after the Expiration of the said Period allowed to the Proprietors or Persons interested for naming such new Commissioner to be appointed as aforesaid, to appoint one other Commissioner, not interested in the 12 said Inclosure, in the Place of such Commissioners so dying, neglecting, refusing, or becoming disabled to act as aforesaid; and every such new Commissioner so to be appointed shall have the like Powers and Authorities for carrying this Act into execution in all respects whatsoever as the Commissioner in whose Place he shall have

have been so appointed and chosen as aforesaid was invested with under and by virtue of this and the said herein-before recited Act.

IV. And be it further enacted, That the said Commissioner or Commissioners shall and they are hereby authorized and empowered to appoint a Clerk to assist him or them in the Execution of the said recited Act and this Act, and shall and may remove such Clerk and appoint another in his Room as to him or them shall seem meet; and in case of the Death, Incapacity, Neglect, or declining to act of
13 any such Clerk, then and in any such Case the said Commissioner or Commissioners shall and may appoint any other Person to be Clerk.

Commissioners to appoint a Clerk.

V. And be it further enacted, That in all Cases where Two Commissioners shall have been appointed for any such Inclosure¹ *they shall, before they proceed upon the Business of such Inclosure, by Writing under their Hands appoint² a fit and proper Person (not interested in the said Division and Inclosure) to act as Umpire between them³, and from Time to Time afterwards⁴ renew⁵ such Appointment*
14 in the event of the Death, Refusal, Neglect, or Incapacity to act of the Person so appointed; and *if any Difference of Opinion shall arise between them, touching or concerning any Matter or Thing to be done by them by virtue or in the Execution of the said recited Act or of this Act, the Matter upon which such Difference shall arise shall be settled and determined by such Person so to be appointed Umpire, whose Determination therein shall be deemed and taken to be the Determination of the said Commissioners,⁶ and shall be*

In case of Difference of Opinion between Commissioners an Umpire to be appointed.

¹ and any Difference of Opinion shall arise between them touching or concerning any Matter or Thing to be done by them by virtue or in the Execution of the said recited Act or this Act, then and in every such Case such Difference shall be forthwith or with all convenient Speed referred to such fit and proper Person (not interested in the said Division and Inclosure) as the said Two Commissioners or their Successors shall

² as

³ and which Appointment they are hereby required to make at the First Meeting next after such Difference shall arise,

⁴ to

⁵ the same

⁶ or their Successors,

reduced into Writing, and shall be binding and conclusive upon all Parties whomsoever (so far as the Acts and Determinations of the Commissioners are by the said recited Act or this Act declared to be final and conclusive); and for the Purposes aforesaid such Umpire shall have and he is hereby invested with the same Powers and Authorities as by the said recited Act and this Act are given or vested in the said Commissioners.¹

Commis-
sioners and
Umpire to
take an Oath.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner or an Umpire or a Surveyor in the Execution of this Act or the said recited Act until 15 he shall have taken and subscribed an Oath or made an Affirmation in the Form or to the Effect following before One of His Majesty's Justices of the Peace for the County, Riding, Division, or Place in which the Lands intended to be inclosed, or some Part thereof, are situate, which Oath or Affirmation the said Justice is hereby empowered to administer; (that is to say,)

Form of
Oath.

' I A.B. do swear, [or, being one of the People called Quakers, do
' solemnly affirm,] That I will faithfully, impartially, and honestly,
' according to the best of my Skill and Judgment, execute and
' perform the several Powers and Authorities vested and reposed
' in me as a Commissioner [or an Umpire] or Surveyor [as the
' Case may be] by virtue of an Act passed in the Year
' of the Reign of King William the Fourth, intituled "An Act," &c.
' [here set forth the Title of this Act], according to Equity and
' good Conscience, without Favour or Affection, Prejudice or Par- 16
' tiality, to any Person or Persons whomsoever.

' So help me GOD.'

[Or being a Quaker omit the Words ' So help me God. ']

Commis-
sioners to
give Notice
of Meetings,
&c.

VII. And be it further enacted, That the said Commissioner or Commissioners or Umpire shall and he or they is or are hereby required to cause Notice in Writing to be affixed to the respective Church or Chapel Doors of the Parish, Township, or Place wherein the Lands intended to be inclosed are situate, or if there be no Church or Chapel, then ¹ in some conspicuous public Place there, and also a like Notice to be published in some Newspaper circulating in the County wherein such Lands lie, of the Time and Place of his or their Attendance or Meeting, and of all other subsequent Attendances or Meetings for executing the Powers hereby or in and

¹ and their Successors.

² on

by

by the said recited Act vested in him or them, Ten Days before any
 17 such Meeting (Meetings by Adjournment only excepted); and if
 there be Two Commissioners, and not more than One of them shall
 attend at the Time and Place appointed for any such Meeting, it
 shall be lawful for the Commissioner who shall attend such Meeting,
 or the Clerk of the said Commissioners, *or if Notice shall have been
 given of such Meeting by any Umpire, and both the Commissioners shall
 not attend the same, it shall be lawful for such Umpire,* to adjourn such
 Meeting to any future Day not exceeding Fourteen Days from the
 Day of Adjournment; and such Clerk shall cause Notice of such
 Adjournment to be given to the said Commissioners: Provided al-
 ways, that all the Meetings of the said Commissioners, *or Umpire
 and Commissioners,* shall be holden in one of the Parishes or Townships
 wherein the Lands to be inclosed are situate, or within Seven Miles
 of the Boundaries of One of them.

VIII. Provided always, and be it further enacted, That all other
 Notices necessary or requisite to be given by the said Commissioner
 or Commissioners *or Umpire* shall be so given by affixing the same on
 the respective Church *or Chapel* Doors of the several Parishes, Town-
 ships, or Places wherein the Lands to be inclosed are situate, or if
 18 there be no Church *or Chapel*, in some conspicuous public Place
 in such Parishes, Townships, or Places, and by Advertisement in a
 Newspaper circulating in the County wherein such Lands are situate.

IX. And be it further enacted, That out of the Money that shall
 arise for defraying the Expences of executing this Act there shall be
 paid to each of the Commissioners (if more than One) and to the
 Umpire who shall act in the Execution thereof, as a Recompence for
 his Pains and Trouble, the Sum of Three Guineas for each and every
 Day they shall respectively be employed in travelling to; returning
 from, and attending in the Execution of this Act, and no more; and
 at all Meetings to be held in pursuance of this Act the said Com-
 missioners and Umpire shall, out of such Allowance, defray their
 own Expences; and there shall be paid to the Surveyor or Surveyors
 to be appointed for the Purposes of this Act such Allowances in
 19 respect of his or their Services as the said Commissioner or Commis-
 sioners shall adjudge to be a full Recompence and Satisfaction for all
 his or their Expences and Charges whatsoever in attending the said
 Commissioners, and in surveying and admeasuring the Lands and
 Grounds to be inclosed, and in planning and staking out the several

Mode in
 which certain
 Notices are
 to be given.

Allowance to
 Commis-
 sioners, Um-
 pire, and Sur-
 veyors.

Allotments intended to be made, and in making such Maps and Plans as may be required respectively by virtue of this Act.

Major Part of Proprietors may agree for Payment of a gross Sum to Commissioners, &c.

X. *Provided always, and be it enacted, That it shall be lawful for the major Part in Number and Value of the Proprietors and Persons interested as aforesaid to make any Agreement with any Commissioner or Commissioners or Surveyor or Surveyors to be appointed under this Act for the Payment to them respectively of One Sum for the whole Duty or any Part thereof to be performed by them or either of them.*

Four Fifths of Proprietors, &c. may agree to adopt any previous Plan, &c.

XI. *Provided further, and be it enacted, That it shall be lawful for Four Fifths in Number and Value of such Proprietors and Persons interested as aforesaid to agree upon the Adoption for the Purposes of this Act of any Plan, Map, Admeasurement, or Valuation previously made, and such Agreement shall be binding upon any Commissioner or Commissioners or Umpire who may be appointed in pursuance of the Provisions of this Act.*

Four Fifths in Number may agree upon any Rules, &c. for the Guidance of the Commissioners.

XII. *Provided also, and be it enacted, That it shall be lawful for Four Fifths in Number and Value of such Proprietors and Persons interested as aforesaid to agree upon the Rules, Conditions, and Principles according to which any such Commissioner or Commissioners or Umpire shall act in allotting the Lands to be inclosed to the several Persons interested therein, and such Agreement shall be binding upon such Commissioner or Commissioners or Umpire as aforesaid.*

Such several Agreements may be appealed against to the Quarter or Petty Sessions.

XIII. *Provided nevertheless, and be it further enacted, That it shall be lawful for any Proprietor or Person interested as aforesaid, who may deem himself aggrieved by any such Agreement as herein-before mentioned for the Payment of a Commissioner or Commissioners, Surveyor or Surveyors, or for the Adoption of any Plan, Map, Admeasurement, or Valuation, or for establishing any Rules, Conditions, and Principles for the Guidance of the Commissioner or Commissioners or Umpire in making Allotments, to appeal against the same to the first General Quarter Sessions of the Peace to be holden in and for the County, Riding, or Division wherein the Lands, or the greater Part thereof, in respect of which the Matter of Complaint may arise, shall be situate, or some Adjournment thereof, or if such General Quarter Sessions shall be holden within One Month from the making of such Agreement, then to the General Quarter Sessions next following such first General Quarter Sessions, or some Adjournment thereof; and Notice of such Appeal shall*

shall in each Case be given in Writing to the Commissioner or Commissioners Seven Days at the least before the Day on which such Sessions respectively shall be holden : Provided, always, that in the event of the Decision of any such Appeal being in favour of the Appellant it shall be lawful for any Party who have consented to such Agreement for Inclosure as aforesaid to withdraw his Consent from such Agreement, by giving Notice in Writing to that Effect to the Commissioner or Commissioners at any Time within Twenty-one Days after the Day on which the Decision upon such Appeal as aforesaid shall have been given ; and if by reason of such Withdrawal of Consent the Proportion of Two Thirds in Number and Value of consenting Parties shall not remain, the said Agreement for Inclosure shall thenceforth cease and be void.]

XIV. And be it further enacted, That if any of the Parties interested in the Premises shall have any Objection or Objections to any of the Accounts or Claims which shall be delivered to the said Commissioner or Commissioners by virtue of the said recited Act or of this Act, such Objection or Objections shall be reduced into Writing, and Two Parts thereof shall be signed by the Party or Parties making the same, or by some Person or Persons on his, her, or their Behalf, 20 and One Part thereof shall be delivered to the Party or Parties whose Claim or Account shall be objected to, or to his, her, or their Agent, or left at his, her, or their last and most usual Place or Places of Abode, at such Time or Times as the said Commissioner or Commissioners shall appoint for that Purpose.

A Copy of Objections to be left with the Party objected to, or given to his Agent.

XV. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, touching or concerning the respective Rights or Interests which they or any of them shall claim to have in, to, or out of the Lands and *Fields* hereby authorized to be divided, allotted, and inclosed, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioner or Commissioners, and they are 21 hereby authorized and required, to examine into, hear, and determine the same respectively ; provided that nothing in this Act contained shall authorize the said Commissioner or Commissioners to determine the Title to any Manors, Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

For settling Disputes between Parties interested.

Commission-
ers may award
Costs.

XVI. And be it further enacted, That in case the said Commissioner or Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of the said recited Act or this Act, see Cause to award any Costs, it shall be lawful for the said Commissioners and they are respectively hereby empowered, upon Application being made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid, either for the public Account for or towards the Expences occasioned in or relating to the Investigation, settling, and determining of such Claim or Claims, if finally disallowed, or to the Party or Parties in whose Favour any Determination of the said Commissioner or Commissioners shall be 22 made, by the Person or Persons¹ whose Claim or Objection shall be thereby disallowed or over-ruled, or against whom the said Commissioner or Commissioners shall have determined as aforesaid; and in case the Person or Persons² who shall be liable to pay such Costs shall neglect or refuse to pay the same, upon Demand, it shall be lawful for the said Commissioner or Commissioners, and he and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons¹ so neglecting or refusing to pay the same, rendering the Overplus (if any), upon Demand, to such Person or Persons² whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Appeal
allowed when
Parties are
dissatisfied
with Decision
of the Com-
missioners.

XVII. Provided always, and be it further enacted, That in case any Person or Persons² interested or claiming to be interested in the said intended Division and Inclosure shall be dissatisfied with any Determination of the said Commissioner or Commissioners or Umpire touching or concerning any Claim or Objection which shall be delivered to the said Commissioners in pursuance of the said recited Act or this Act, or touching or concerning any Property, Right, or Interest intended to be affected by such Determination, and shall cause Notice in Writing of such Dissatisfaction to be delivered to or left at the usual Places of Abode of the Commissioner or Commissioners or Umpire making such Determination, and of the

¹ or Body or Bodies Politic, Corporate, or Collegiate,

² Body or Bodies Politic, Corporate, or Collegiate,

- 24 Party or Parties in whose Favour such Determination shall have been made, *if there be any Party or Parties specially interested in the same*, or his, her, or their Agent, within Thirty Days next after such Determination shall have been notified in Writing to the several Parties or Persons *specially interested, if any such there be*, it shall be lawful for such Person or Persons¹ so dissatisfied, and giving such Notice as aforesaid, to bring or cause to be brought an Action or Actions upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, and to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire at the then First or Second Assizes to be holden for the County wherein the Lands relating to which such Dispute shall arise are situate; and the Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, and file
- 25 Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, Rights in question, and the Property, Right, and Interest thereby insisted upon, may be tried and determined; such Issue or Issues to be settled by the proper Officer of the Court in which the said Action shall be commenced, in case the said Parties shall differ about the same; and the Verdict or Verdicts which shall be given upon the Trial of such Action shall be binding, final, and conclusive, unless the Court wherein such Action shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had thereon, which it shall be lawful for the said Court to do in case the said Court shall think proper; and after such Verdict or Verdicts shall be obtained, and not set aside, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim, Property, Right, or Interest thereby
- 26 determined according to the Event of such Trial or Trials; and the Costs and Charges payable by the said Commissioner or Commissioners in or relating to such Action or Actions shall be paid and discharged out of the Monies to be raised by him or them for the Purposes of this Act: Provided always, that if no such Notice shall be given, and such Action or Actions at Law shall not be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time herein-before limited for that Purpose, then the Determination of the said Commissioner or Commissioners or Umpire shall be final, binding, and conclusive to all Intents and Purposes whatsoever:

¹ Body or Bodies Politic, Corporate, or Collegiate,

Provided always, that if any of the Parties in any such Action to be commenced as aforesaid shall die before the Determination thereof such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened ; and that no Difference, Suit, or Proceeding as aforesaid, nor any Difference or Dispute touching the Title to any Lands, Tenements, or Hereditaments, shall impede or ²⁷ delay the said Commissioner or Commissioners in the Execution of the Powers of this Act, but the Division, Allotment, and Inclosure hereby authorized to be made shall be proceeded in notwithstanding any such Difference or Proceeding.

Death of
Parties not to
abate Actions.

XVIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons ¹ who might have brought such Action or Actions against the Person or Persons so dying to bring the same within the Time so limited as aforesaid against such Person or Persons as aforesaid as if actually living, and to serve the ²⁸ Clerk of the said Commissioner or Commissioners with Process for commencing such Action or Actions in the same Manner as the Party or Parties so dying might have been served therewith if living ; and it shall thereupon be incumbent upon the Heir or Heirs or other Person or Persons who shall claim the Benefit of such Determination as aforesaid to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead ; and Proceedings shall be had therein in the same Manner as if such Person had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Commis-
sioners not to
determine
Rights be-
tween Parties
except in
Cases of En-
croachments.

XIX. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner or Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties, except in Cases of Encroachments made within the Period of Twenty Years next preceding the passing of this Act ; but in case the said Commissioner or Commis- ²⁹ sioners shall be of opinion against the Right of the Person or Persons

¹ Body or Bodies Politic, Corporate, or Collegiate,

so in Possession they shall forbear to make any Determination thereupon until the Possession shall have been given up by or taken from such Person or Persons by Ejectment or other due Course of Law.

XX. And be it further enacted, That all Encroachments or Intakes which at any Time within Twenty Years next preceding the Date of the Agreement for any such Inclosure have been made upon the said Lands and ¹ Fields hereby authorized to be divided and inclosed shall be deemed and considered Part and Parcel of the Lands and ² Fields to be allotted and inclosed by virtue of this Act as if the same were actually lying open and uninclosed, and shall be divided and allotted accordingly; and in case any Dispute or Difference shall arise touching any such Encroachments or Intakes, or as 30 to the Extent thereof, such Dispute or Difference shall be determined by the said Commissioner or Commissioners.

Encroachments made within 20 Years to be deemed Part of the Land to be allotted.

XXI. Provided also, and be it further enacted, That in case any such Lands shall have been taken or used at any Time before the passing of this Act for the Erection of a School-house or School-houses, or the Appurtenances thereto, or for other charitable Purposes, such Lands so taken, or the Erections made thereon, shall not be taken or deemed to be of the Nature of an Encroachment within the Meaning of this Act.

Lands used for charitable Purposes not to be deemed an Encroachment.

XXII. Provided always nevertheless, and be it further enacted, That all Lands which shall have been inclosed from the Open Fields, or any of them, for more than Twenty Years next preceding the Date of the Agreement for such Inclosure, shall for the Purposes of this Act be deemed and taken to be ancient Inclosures.

Lands inclosed for more than 20 Years shall be deemed to be ancient Inclosures.

XXIII. *Provided always, and be it enacted, That it shall not be lawful for the said Commissioner or Commissioners or Umpire to allot to any other Person than the Proprietor thereof any Land which may be cultivated as Orchard or Garden, or on which any Building may have been erected, or which may have been inclosed by virtue of any voluntary Agreement between the Proprietor thereof and the Persons having Right of Common over the same, without the Consent in Writing of such actual Proprietor.*

Cultivated Ground to be allotted to Proprietors only.

Compensation to be made for Standing Crops.

XXIV. And be it further enacted, That the said Commissioner or Commissioners shall, by some Writing or Writings under their Hands, ascertain, order, and appoint what Recompence and Satisfaction in Money shall be made to the Owner or Owners of any Crops growing at the Time of the said intended Division and Allotment, for the said Crops, by the Person or Persons to whom the Lands on which such Crops are growing shall be allotted, and also what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenant or Tenants, Occupier or Occupiers of Lands to be inclosed as aforesaid, as well for the ploughing, tilling, and manuring of any Lands or ¹ *Fields* which shall be allotted to some other Person or Persons, and for the Profit or Advantage which any such Person or Persons to whom the said Lands and ¹ *Fields* shall be allotted will obtain thereby, as for any Loss or Disadvantage which any such Tenant or Tenants, Occupier or Occupiers, shall or may sustain by the Loss of any ³² following or way-going Crop in any of the *Open and Common Lands* or *Fields* by this Act authorized to be divided, allotted, and inclosed, or by means of the said Division, Allotment, and Inclosure; and if in any or either of the said Cases last mentioned such Recompence and Satisfaction shall not be made at the Time and in the Manner to be appointed by the said Commissioner or Commissioners, then the said Commissioner or Commissioners shall and may, by any Warrant or Warrants under his or their Hands and Seals, directed to any Person or Persons whomsoever, (which Warrant or Warrants he or they are hereby authorized and empowered to grant accordingly,) cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons required to make such Recompence and Satisfaction as aforesaid, together with the Costs and Charges of such Distress and Sale, rendering the Overplus, if any, to the Owner or Owners of such Goods and Chattels,

Commissioners to direct the Course of Husbandry to be followed.

XXV. And be it further enacted, That the said Commissioner ³³ or Commissioners shall, as soon after his or their Appointment as conveniently may be, by some Writing or Writings under his or their Hands to be affixed on the principal outer Doors of the several and respective Churches or *Chapels of the Parishes or Townships* in which the Lands to be inclosed are situate, or if there be no Church or *Chapel, then* in some conspicuous Place in the *Parish, Township,* or Place where such Lands shall be, order and direct the Course of

¹ Grounds

² Parish

Husbandry

Husbandry that shall be used in, over, and upon the Open Arable, Meadow, or ¹ *Pasture Lands* or Fields to be divided, allotted, and inclosed by virtue of this Act, until the Time when he or they shall have made and completed the intended Division and Allotment thereof, as well with respect to breaking up and laying down, as the ploughing, sowing, fallowing, and tilling the same Lands and ² *Fields*; and by the same or any other Writing or Writings under his or their Hands, 34 to be affixed as aforesaid, shall and may make such Orders and Regulations touching the Conduct of the Owners and Occupiers of the same Lands and ² *Fields*, for the preventing the committing of Waste or Destruction by any Person or Persons whomsoever upon any of the Lands and ² *Fields* to be divided and allotted by virtue of this Act, in the meantime and until the Allotments and Divisions thereof shall be effected, as to the said Commissioner or Commissioners shall seem expedient; all which Orders and Regulations of the said Commissioners shall be binding and conclusive upon all Parties interested therein, their Farmers and Tenants; and that the said Commissioners shall set and impose such pecuniary Penalties and Forfeitures upon every Person not conforming to such Orders and Regulations as they shall think necessary, not exceeding Five Pounds per Acre; all which Penalties and Forfeitures shall be paid 35 to such Person or Persons and for such Uses and Purposes as the said Commissioner or Commissioners shall by any such Writing or Writings as aforesaid, or any other Writing or Writings, direct or appoint; and the said Commissioner or Commissioners are hereby authorized and required to raise and levy the same, for the Use of the Person or Persons he or they may consider entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of carrying this Act and the said recited Act of the Forty-first Year of the Reign of His late Majesty King George the Third into execution may be raised and levied.

(3)

¹ other² Grounds

³ Provided always, and be it further enacted, That it shall not be lawful for any Person or Persons, at any Time or Times within the Space of Seven Years next after the making and executing the Award of the said Commissioners, to graze or keep any Sort of Cattle whatsoever in any of the private Roads to be set out by virtue of this Act, and which shall be directed by the said Commissioner or Commissioners to be fenced.

Commissioners to allot Lands to be inclosed.

XXVII. And be it further enacted, That the said Commissioner 36 or Commissioners shall apportion, divide, set out, and allot the said Open or Common *Arable, Meadow, and Pasture Lands*, or ¹ Fields authorized by this Act to be divided, allotted, and inclosed unto and amongst the several Proprietors thereof and Persons interested therein in proportion to their respective Shares, *Rights of Common, and all other Rights, Property, and Interest*, and in proportion to the true and real Value of their several Shares, *Rights of Common, and all other Rights, Property, and Interests*, and *the same*, when so apportioned, divided, set out, and allotted, shall be taken to be in lieu and full Satisfaction of and for such their said several Shares, *Rights of Common, and all other Rights, Property, and Interests*, to be ascertained and adjusted by such Ways and Means and in such Manner as to the said Commissioners shall seem just and expedient, 37 but subject to the Rules, Orders, and Regulations herein contained or referred to and authorized to be established concerning the same.

For allotting to several smaller Proprietors in One Plot.

XXVII. And be it further enacted, That in case any Number of the Proprietors or Persons interested in the Lands and ² *Fields* agreed to be inclosed under the Authority of this Act shall deem it expedient and desire to have their Allotments thrown together and distinguished by Metes and Bounds, but not fenced from each other, and of such their Desire shall give Notice in Writing to the said Commissioner or Commissioners, such Commissioner or Commissioners shall and he and they is and are hereby required to set out the several Allotments of the said Persons so giving Notice as aforesaid in One Plot or Parcel of Land, distinguishing the Portion of such Plot or Parcel of Land allotted to each of such Proprietors by Metes and Bounds, but not requiring them to make any Subdivision Fences or other Fences, save such Ring or outer Fences as may be necessary and may be ordered by the said Commissioner or Commissioners to be made for dividing the said Plot or Parcel of Land from the Residue of the Lands so to be inclosed.

For ascertaining Boundaries.

XXVIII. And be it further enacted, That for the Purposes of shortening or rendering straight or otherwise improving any Boundary Fence or Fences between the Lands and ² *Fields* hereby authorized to be divided, allotted, and inclosed, and the old or other Lands thereunto adjoining, or between such Allotments and inclosed or

² other

² Grounds

other

other Lands, or any of them, and any adjoining Lands and Grounds, it shall be lawful for the said Commissioner or Commissioners (with the Consent of the Lord of any Manor in which the Lands are respectively situate, and of the Owners of any such adjoining Lands, testified by Writing under their respective Hands, or under the Common Seal of any of them being a Corporation Aggregate,) to set out, ascertain, and determine the Boundaries between the Lands hereby authorized to be divided, allotted, and inclosed, and any adjoining Lands or Grounds lying in the same or in any adjoining Manor, Parish, or Place, as the said Commissioner or Commissioners shall judge proper for the Purposes aforesaid; and after such Boundaries shall be so set out, ascertained, and determined as aforesaid, the same shall be made, fenced, ditched, or mounded by such Person, in such Manner, and at such Times as the said Commissioner or Commissioners shall direct, and shall for ever thereafter be deemed the Boundaries between the said allotted and inclosed Lands respectively, or (as the Case may be) between the said Allotments or inclosed or other Lands and such adjoining Manor, Parish, or Place; any Law, Usage, or Custom to the contrary notwithstanding.

XXIX. And be it further enacted, That the said Commissioner or Commissioners shall, in and by his or their Award, order and appoint the Grass and Herbage growing and renewing upon all and every the private Roads to be set out by him or them within the said Lands and ¹ *Fields* hereby authorized to be divided, allotted, and inclosed, to be and for ever hereafter remain to and for the Use and Benefit of such Persons as the said Commissioner or Commissioners shall in his or their Judgment think best entitled to the same.

Right of
Herbage in
private
Roads.

XXX. And whereas the Allotments made to any² Rector or Vicar who may be entitled to any Glebe Lands in such Open and Common Arable, Meadow, or ² *Pasture Lands* or Fields, or some of such Allotments, may probably require some additional Buildings, by reason whereof, and in order to render the same of greater Value to the said Rectors and Vicars respectively, and their respective Successors, it may be necessary that some Buildings should be erected thereon, and some necessary division as well as interior or subdivision Fences may be necessary to be made, planted, and raised in and upon the said Allotments or some of them: And whereas the erecting

Empowering
Rectors to
erect Build-
ings on Lands
allotted in
right of
Glebe.

¹ Grounds

² other

of such further Buildings, and the making, planting, and raising such Fences, will be attended with considerable Expence, and as the same will probably be more beneficial to the Successors of such Rectors and Vicars respectively than to the Rector and Vicar in whose Incumbency such Allotment and Inclosure may take place; be it therefore further enacted, That it shall and may be lawful to and for the said Rectors and Vicars respectively, and their respective Successors, by and with the Consent in Writing of the respective Patrons of the said Rectories and Vicarages, and of the Ordinary of the Diocese for the Time being, to erect or cause to be erected for Agricultural Purposes such further Buildings¹ upon the Allotment or Allotments (which Buildings¹ the said 39 Rectors and Vicars respectively, and their respective Successors, are hereby required to cause to be insured equal to the Value thereof annually in some of the Offices in London established for Insurance against Fire,) so as aforesaid to be set out unto the said Rectors and Vicars and their respective Successors as aforesaid, and also to make, plant, and raise such outer division as well as interior or subdivision Fences in and upon the said Allotment or Allotments as the said Commissioner or Commissioners shall judge necessary and proper for the Occupation of the Lands so to be allotted to the said Rectors and Vicars respectively, and their respective Successors, and by any Deed or Deeds, Writing or Writings, under the respective Hand and Seal of such Rectors or Vicars respectively, and their respective Successors, and attested by Two or more credible Witnesses, by and with the Consent in Writing of the Bishop of the Diocese for the Time being, to charge such Allotment or Allot- 40 ments so as aforesaid to be set out for the said Rectors and Vicars respectively, and their respective Successors as aforesaid, and the Buildings¹ so to be erected thereon, with such Sum or Sums of Money, not exceeding in the whole Two Years annual Value of the respective Allotments so to be set out to the said Rectors and Vicars respectively, as the said Commissioners shall think necessary for the Purposes of and in order to be applied to paying and defraying the Charges and Expences of erecting the said further Buildings¹, and of making, planting, or raising such division or subdivision Fences, or for either of the said Purposes, and in applying for and obtaining the Consent of the said Bishop, and in exercise of the Powers given to and vested in the said Rectors and Vicars

respectively by virtue of this Act and the said recited Act; which Sum or Sums of Money shall be paid to such Person or Persons as
 41 the said Commissioners shall nominate and appoint, in order to be applied or disposed of accordingly; and for securing the Repayment of such Sum or Sums of Money, with Interest for the same, to grant, mortgage, lease, or demise the Allotments so as aforesaid to be set out unto and for the said Rectors and Vicars respectively, and their respective Successors, as aforesaid, and the Buildings¹ so to be erected thereon, unto such Person or Persons who shall advance and lend the same, his, her, and their Executors, Administrators, or Assigns, for any Term or Number of Years, so that every such Grant, Mortgage, Lease, or Demise be made with a Proviso to cease and be void, or with an express Trust to be surrendered, when the Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be respectively fully paid and satisfied; and such Mortgagee or Mortgagees advancing and lending the Money so to be borrowed
 42 shall not be obliged to see to the Application or be in anywise answerable for the Misapplication of such Monies or any Part thereof; and the said Rectors and Vicars respectively, and their respective Successors for the Time being, shall be and are hereby required and made liable, at the End of every Year after the Date of such Mortgage, to pay to the Person or Persons to whom such Grant, Mortgage, Lease, or Demise shall be made, his, her, or their Executors, Administrators, or Assigns, One ¹ *Thirtieth* Part of the respective Principal Monies so to be borrowed, until the whole thereof shall by such annual Payments be paid off and discharged, and also to pay and keep down the Interest of the said respective Monies so to be borrowed, so that the future Rectors and Vicars of the said respective Parishes or Townships becoming possessed of such respective Lands and ¹ *Fields* shall not be subject or liable (and they are hereby respectively discharged from being subject or liable) to pay any further or larger Share of such Monies than his or their
 43 Proportion thereof according to such last-mentioned Condition, or any Interest for the same save only from the Day of the Death, Resignation, or Cession of the preceding Incumbent of the said Rectories or Vicarages respectively; and that it shall and may be lawful to and for the Person or Persons who shall advance and lend such Monies, his, her, or their Heirs, Executors, Administrators, and Assigns, for the more easily recovering the said One ² *Thirtieth* Part

¹ and Conveniences² Twentieth³ Grounds

of the said Principal and the whole of the Interest which is enacted annually to be paid, to have, use, exercise, and take such and the same Powers and Remedies, by Entry and Distress upon the Premises so to be charged, mortgaged, and demised, and Sale of such Distress, as by the Laws now in force are provided for and given to Landlords, or as they can use and take for the Recovery of Rack Rents in arrear.

Rectors, with
Consent of
Bishop, may
demise the
Allotments.

XXXI. And be it further enacted, That it shall and may be lawful for the Rectors of the said Rectories, and the Vicars of the said Vicarages, respectively for the Time being, by Indentures under their respective Hands and Seals, with the Consent and Approbation⁴⁴ of the Bishop of the Diocese for the Time being, and of the Patron of the said Rectories and Vicarages, *from Time to Time* to lease and demise all or any Part of the Allotments to be set out and allotted to them respectively by virtue of this Act, to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, so that the Rent or Rents for the same shall be thereby reserved to such Rectors and Vicars for the Time being by Four equal quarterly Payments in every Year, and so that there be thereby reserved to such Rectors and Vicars the best and most improved Rent or Rents that can be reasonably gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration for granting any such Lease, and so that no such⁴⁵ Lessee by any such Lease or Demise be made punishable for Waste by any express Words to be therein contained, and so that there be inserted in every such Lease Power of Re-entry on Non-payment of Rent or Rents to be thereby reserved within a reasonable Time, to be therein limited, after the same shall become due, and so that a Counterpart of such Lease be duly executed by the Lessee or Lessees to whom such Lease shall be made as aforesaid; and every such Lease shall be valid and effectual, any Law or Usage to the contrary notwithstanding.

Commis-
sioners in
certain Cases
to apportion
Expences of
erecting
Boundary
Fences.

XXXII. Provided always, and be it further enacted, That in case, through the Necessity of Situation or any other Accident or Circumstance, it shall happen that One or more of the said Proprietors shall not have an equal or proportionable Quantity of Boundary Mounds

to commence within Twelve Calendar Months from the setting out and making of such Allotments respectively,

or

for Fences allotted to him, her, or them on the said intended Inclosure, it shall be lawful for the said Commissioner or Commissioners, when
 46 he or they shall judge it necessary and reasonable, to award, order, ascertain, and appoint what Sum or Sums of Money such Proprietor or Proprietors shall respectively pay and contribute towards making the Mounds and Fences of the Allotments of such other Proprietor or Proprietors who shall or may have too great a Proportion of Mounding or Fencing allotted to him, her, or them by virtue of this Act, the same to be settled by the said Commissioner or Commissioners in such Manner as he or they shall order, direct, or appoint; and the Money so ordered, directed, or appointed to be paid shall be raised, levied, and recovered in such and the same Manner as the other Expences of this Act are herein or by the said recited Act ordered and directed to be levied and recovered.

XXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed or adjudged to extend to revoke, make void, alter, or annul any Settlement, Deed, Will, or
 47 Lease, or to prejudice any Person having any Right or Claim of Dower, Jointure, Annuity, Rent-charge, Debt, or Incumbrance whatsoever in, out of, upon, or affecting any of the Lands, Tenements, or Hereditaments hereby authorized to be divided and allotted, or which shall be exchanged or assigned in compensation for any other Estate or Right in pursuance of this Act; but as well the Lands allotted as the Tenements or other Hereditaments which shall be assigned in exchange or as a Compensation for any other Estate or Right shall, immediately after such Allotment, Exchange, or Assignment shall be made, be vested, remain and enure, and the several Persons to whom the same shall be allotted, assigned, or given in exchange as aforesaid shall thenceforth stand and be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively,
 48 tively, and subject and liable to such and the same Deeds, Wills, Settlements, Limitations, and Remainders, Conditions, Charges, Tenures, Rents, Services, and Incumbrances, as the several Lands, Tenements, and Hereditaments in respect whereof such Allotments, Assignments, and Exchanges shall have been made should or would have stood severally limited, settled, or subject or liable to, or been held by, in case the same had not been allotted, assigned, or exchanged, and this Act had not been made or acted upon; save and except such Rents and Services as shall have been compensated for and extinguished, and such Leases and Tenancies at Rack Rents as
 579. shall

Act not to
 affect Settlements.

shall become void by virtue of this Act; and subject nevertheless to all such Mortgages and Sales as shall be made by Authority of this Act or of the said Act of the Forty-first Year of the Reign of His late Majesty King George the Third.

Leases at
Rack Rent
may be
voided.

XXXIV. Provided also, and be it further enacted, That all Leases, Agreements, and Tenancies at Rack Rent subsisting of any Part or 49 Parts of the Lands and Grounds hereby authorized to be divided, allotted, and inclosed at the Time of the first Appointment of any Commissioner or Commissioners for the Inclosure thereof, or which shall be exchanged in pursuance of this Act, shall, so far only as respects the Lands hereby authorized to be divided and allotted or exchanged, cease and be void at such Time or Times as the said Commissioner or Commissioners shall by Writing under his or their Hands direct or appoint; so as the respective Lessors or Landlords of such Lands or Tenements do, before or at the respective Times at which such Leases or Tenancies shall be directed to cease, make and pay such Satisfaction to the respective Lessees or Tenants for the Loss which shall be sustained by the Determination of such Leases respectively, so far as regards the said Lands the Tenancy and Leases 50 whereof are hereby authorized to be determined, as shall be mutually settled and agreed between them, or as the said Commissioner or Commissioners, being required by either of the Parties, shall ascertain and direct; and the said Commissioner or Commissioners, being so required, are hereby empowered and directed to apportion a reasonable and proportionable Part, according to the Season of the Year, of the Rent reserved on any such Lease or Agreement, for or in respect of the Time which shall have elapsed between the last Day on which any Payment of the Rent shall have become due and the Determination of any such Lease or Agreement; and such Part of the Rent shall be recoverable by such Ways and Means as may by Law be used for the Recovery of Rent in arrear; and the said Commissioners are hereby empowered and directed in every Case where such Lands or other Hereditaments shall be held by virtue of such Lease or Agreement, together with other Lands or Hereditaments 51 by one entire Rent, to apportion and determine what Part of such Rent shall be deducted in respect of such of the Lands or other Hereditaments in such Lease or Agreement comprised as to which the same shall be determined as aforesaid, and from what Time such Deduction shall take place; and the rest of the Rent reserved on any such Lease or Agreement shall, during the Remainder of the Term thereof, be the Rent of and for the Residue of such Lands and Hereditaments,

Hereditaments, and shall be payable and recoverable in like Manner as the entire Rent reserved by such Lease or Agreement shall immediately before such Apportionment be payable and recoverable.

XXXV. And be it further enacted, That it shall be lawful for the said *Commissioner* or Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever, whether situate within the Boundary of such Open and Common ¹ *Lands or Fields* as aforesaid, or adjoining thereto, within the Parishes, Townships, or Places in which
 52 the Lands to be allotted and inclosed are situated, or any of them, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the same Parishes, Townships, or Places respectively, or any of them, or within any Parish, Township, or Place adjoining to the said Parishes, Townships, or Places respectively, or any of them; provided that all such Exchanges shall be ascertained, specified, and declared in the Award of the said Commissioner or Commissioners, and be made with the Consent in Writing of the Proprietor or Proprietors of the Hereditaments and Premises which shall be so exchanged, whether such Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Rector, Parson, Vicar, or other Ecclesiastical Person or Persons, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail, Special or General, or by the Courtesy of England, or for Years determinable on any Life or Lives, by and with the Consent of the Lessor
 53 or Lessors, but not otherwise, or with the Consent of the Guardians, Husbands, Committees, or Attornies of or acting for any such Proprietor or Proprietors who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Coverts, Idiots, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, or of the Trustees or Feoffees for charitable, parochial, or other Uses, or of the Person or Persons having Power to sell and dispose of the *Hereditaments* and Premises which shall be so exchanged (such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively); and all and every such Exchange and Exchanges so to be made respectively shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of

Exchanges
may be
made.

are herein directed to be raised and defrayed,) and of such Breadth, Depth, and Dimensions and in such Directions as the said Commissioners shall think proper ; and the said Commissioner or Commissioners shall and may and they are hereby directed and required in and by their Awards to order and determine by whom, and at whose Expence, and at what Time, and in what Manner the said Ditches, Drains, Watercourses, Tunnels, Gates, and Bridges shall be afterwards cleansed, scoured, and maintained, and also shall and may direct, order, and award all or any of the Streams, Springs, and Watercourses within the said Lands and ¹ Fields hereby authorized to be
 57 divided, allotted, and inclosed to be carried, diverted, and turned into such Courses, and through, over, and across such Parts of the Lands and ¹ Fields hereby authorized to be divided, allotted, and inclosed, as they the said Commissioners shall in their Discretion judge proper for the draining or watering the several Allotments so to be made as aforesaid.

XXXIX. *Provided always, and be it enacted That if it shall be necessary, for the Purpose of carrying off the Water from such Drains as may be made under the Authority of this Act, to make Drains through any Land not to be inclosed, divided, or allotted under the same, it shall be lawful for the said Commissioners and their Servants to enter upon such Lands, and make such Drains accordingly, due Compensation being made for any Damage done to such Lands thereby ; and it shall be lawful for such Commissioners in their Award to direct by which of the Persons to whom any Allotment shall be made in any Field so divided and inclosed such Drains shall be maintained, and the Persons so directed to maintain such Drains shall maintain the same accordingly, and have the same Authority to enter upon such Lands as herein-before described, for the Purpose of maintaining the same, as is herein-before given to the said Commissioners and their Servants for the making of the same, making due Compensation for any Damage which may be done to such Lands.*

Power to Commissioners to make Drains through Land not proposed to be inclosed, due Compensation being made for Damage done.

XL. *And be it enacted, That in case Seven Eighths in Number and Value of the Persons being seised, possessed of, or entitled to or interested in any Open and Common Arable Fields, or Open and Common Meadow or Pasture Lands or Fields in England or Wales, and any Rights of Common, or any other Rights therein, being Persons having such Estates or Interests in the said Lands, Fields,*

Upon the Consent of Seven Eighths in Number and Value, an Inclosure may take place without the Intervention of Commissioners.

or Rights as are herein-before required for the Purpose of consenting to any such proposed Inclosure as aforesaid, shall by themselves or their known Agents, or if Covert, Infants, Idiots, or Lunatic, then by their Husbands, Guardians, or Committees, at a public Meeting to be called for that Purpose in the Manner and after the Notice herein-before provided for, or at some Adjournment thereof, enter into an Agreement for such Inclosure under the Provisions of this Act, but without the Intervention of Commissioners, and for the Discharge of the Lands to be inclosed from all Rights of Common, and for the granting of Compensation to such Persons as may be possessed of such Rights, whether consenting Parties to any such Agreement or not, and shall sign or seal (as the Case may require) the Schedule herein-after mentioned, every such Inclosure shall, from and immediately after the Expiration of the Notices of such Schedule having been deposited as herein-after mentioned, be as valid and effectual to all Intents and Purposes (subject only to the Right of Appeal herein-after given) as if the same had been effected by means of Commissioners to be appointed under this Act.

Schedule of Land proposed to be inclosed to be deposited with the Clerk of the Parish and with the Clerk of the Peace, and Notice thereof affixed to the Church Doors, and published in some Newspaper circulating in the County.

XLI. And be it further enacted, That before any Land shall be inclosed under the Provisions herein contained for Inclosure without the Assistance of Commissioners, a Schedule of such Land, containing a correct Description thereof, and signed by the Persons proposing to make such Inclosure, and also by the Persons whose Consent to such Inclosure is herein-before required to be given, and whenever the Inclosure shall be proposed to be made by any Person having a less Estate than a Fee Simple or under Disability, then accompanied by a Copy of the several Limitations contained in the Deed or Will under which such Person may be entitled, shall be deposited with the Clerk of the Parish, Township, or Chapelry, and also with the Clerk of the Peace of the County in which the Land proposed to be inclosed may be situated; and a Notice of such Schedule having been so deposited (such Notice containing a Description of the Land intended to be inclosed) shall be published in some Newspaper usually circulating in the County wherein such Land is situated, at Three several Times in Three successive Months after such Schedule shall have been so deposited, and a Copy thereof shall be affixed on the principal outer Door of the Church or Chapel of the Parish or Township in which the Land may be situated, before the Commencement of Divine Service, or if there be no Church or Chapel then in some conspicuous Place there, for Three successive Sundays after such Schedule shall have been so deposited: Provided always, that whenever such Inclosure shall be proposed

proposed to be made by a Corporation Aggregate, or the Consent of a Corporation Aggregate shall be necessary thereto, the affixing of the Common Seal of such Corporation to such Schedule shall be deemed a sufficient Compliance with the Provisions of this Act:

XLII. And be it further enacted, That it shall be lawful for any Person who shall be seised or possessed of or entitled in Possession to any Land or Tenement in respect of which Compensation may be proposed, or ought to be given, or to which any Right of Common may attach, or who, having no Land in the Common Field in which an Inclosure is proposed to be made, may nevertheless have a Right of Common therein, whether such Person shall be Tenant in Fee Simple or Fee Tail, General or Special, or for Life or Lives, or by the Curtesy of England, or for any other Estate of Freehold, or for Years determinable on any Life or Lives, and also for any Person whose Right of Common may be merely personal, and for the Guardian, Trustee, Feoffee for charitable or other Uses, Husband, or Committee of such Person who shall be an Infant, Idiot, Lunatic, or Feme Covert, or under any other Disability, to consent and agree to the Compensation which may be offered or which ought to be given by the Persons making such Inclosure, not only as to the Nature and Amount of such Compensation, but as to the Manner in which the same shall be secured, and to sign the Agreement for that Purpose; but no such Agreement shall be valid if entered into by any Person having a limited Interest only, or by any Incumbent of a Benefice, without the Consent of the same Persons and to be testified in the same Manner as is hereinbefore required in the Case of such Persons being respectively Parties to any Agreement for Inclosure: Provided always, that in case such Compensation, or any Part thereof, shall be agreed to be made in Money, and such Money shall belong to any Persons who in the said first-recited Act are mentioned or described as Persons incapacitated to receive the same, then such Money shall be paid and applied in such and the same Manner as Money belonging to such Persons is directed to be applied under the Provisions of the said first-recited Act.

Incapacitated Persons enabled to enter into an Agreement for Compensation.

XLIII. And be it further enacted, That whenever any Agreement for Compensation may or may not have been entered into, and notwithstanding any such Agreement, if any Person interested in any such Inclosure, other than a Person who may have signed such Agreement or otherwise consented thereto, shall object to such Inclosure, or to the Nature or Amount of any Compensation which may be offered, or to the Manner

Persons having Objections to such Inclosure to deposit them with the Clerk of the Peace.

in which such Compensation may be proposed to be secured, or on account of there not having been any Compensation offered, it shall be lawful for him to state such Objection in Writing; and to deposit the same with the Clerk of the Peace at any Time within Six Calendar Months from the Expiration of the aforesaid Notices of the Deposit of such Schedule ; and such Schedule, and Copy of Limitations, and every Statement and Document annexed to such Schedule, and every Statement of Objection which may be so deposited shall be open to the Inspection of any Person interested, and the Deposit of such Statement of Objections in manner aforesaid shall be deemed and taken to be a sufficient Notice to all Persons interested in such Inclosure.

Clerk of the Peace to lay the Schedule and Statement of Objections before the Justices at the next Quarter Sessions, who shall examine into and finally determine upon such Objections.

XLIV. *And be it further enacted, That the Clerk of the Peace shall cause the Schedule and Statement of Objections, and all other Papers relating thereto, and which shall have been so deposited with him, to be laid before the Justices at the General Quarter Sessions of the Peace, or at some adjourned Meeting thereof, which shall be held not earlier than Twenty-eight Days next after the Deposit of such Objections, in and for the County, Riding, or Division wherein the Lands proposed to be inclosed, or the greater Part thereof, shall be situate ; and all such Objections shall be heard and determined by the said Justices in manner herein-after provided.*

Persons interested in Allotments may sell the same.

XLV. *And be it further enacted, That it shall and may be lawful for any Person or Persons interested in the said Allotments at any Time to mortgage, sell, demise, or dispose of all such Estate, Right, Title, Interest, and Property which he, she, or they shall then have in or to the said Open and Common Arable, Meadow, or Pasture Lands or Fields (or any one of them), and of the Allotments set out in lieu thereof, before the Execution of the Award of the said Commissioner or Commissioners ; and it shall be lawful for the said Commissioner or Commissioners, and he or they are hereby authorized and required, upon the Conveyance or other Instrument by which such Sale or Disposition is confirmed being produced to them, and the Execution thereof proved to their Satisfaction, to allot the same to the Purchaser or Purchasers thereof respectively ; and if not so allotted such Conveyance or other Instrument shall be valid and effectual in Law, notwithstanding it may have been so made before the Execution of the said Award.*

other

XLVI. And

XLVI. And be it further enacted, That it shall be lawful for the said Commissioner or Commissioners, in case he or they shall be requested by Writing under the Hand or Hands of any Person or Persons being Tenant for Life, or other Person being in Possession of, but not having the absolute Estate or Interest in, any Lands hereby authorized to be allotted and inclosed, to sell and dispose of any Part or Parts of the Allotment or Allotments belonging to such Person or Persons, for the Purpose of defraying his, her, or their Shares of the Costs, Charges, and Expences of putting into execution this Act and the said recited Act of the Forty-first Year of the Reign of His late Majesty King George the Third, and the Expences of fencing, ditching, subdividing, and inclosing such Allotment or Allotments; and the said Commissioners shall accordingly sell such Part or Parts of such Allotment or Allotments, either by private Contract or public Auction, as they shall think proper, to such Person or Persons as shall be willing to purchase the same, and shall convey the same to such Purchaser or Purchasers by any Deed under their Hands and Seals; and the Receipt of the said Commissioners for such Money shall be a full and complete Discharge to such Purchaser or Purchasers for such Purchase Money; and the said Commissioners shall apply the Purchase Money in or towards the Payment of such Expences, and in fencing, ditching, subdividing, and inclosing the said Allotment or Allotments respectively, *and not otherwise*; but such Purchaser or Purchasers shall not be liable to see to the Necessity or Expediency of such Sale, nor be answerable nor accountable for the Misapplication of such Purchase Money; and upon the Payment of such Purchase Money or Purchase Monies into the Hands of the said Commissioner or Commissioners, the Lands so to be sold as last aforesaid shall immediately thereupon be vested in Fee Simple in Possession (if such Allotment or Allotments is or are made in right of Freehold) in the Purchaser or Purchasers thereof, and the same shall be thenceforth held in Severalty by such Purchaser or Purchasers thereof respectively, as his, her, or their private Property, and shall be allotted accordingly by the said Commissioner or Commissioners.

Tenants for Life empowered to sell Part of Allotments to defray Expences.

XLVII. Provided always, and be it further enacted, That where any Allotment or Allotments so to be made to any Person or Persons being Tenant for Life or in Tail, or other Person being in Possession, but not having the absolute Estate or Interest in any Lands hereby authorized to be allotted and inclosed, which stand limited to the same Uses, shall be situated partly in one and partly in another Parish

When Allotments to a Tenant for Life are in different Parishes, Commissioners may sell the Land in one Parish to

defray Ex-
pences at-
tending the
other Portion
of the Allot-
ment.

Parish or Township or Place, it shall and may be lawful to and for the said Commissioner or Commissioners, in case they shall be requested as last herein-before mentioned, to sell and dispose of, and to convey and assure to the Purchaser or Purchasers thereof any Part or Parts of the said Allotments belonging to such Person or Persons in any One or more of the said Parishes, Townships, or Places, in manner in that Behalf herein-before mentioned, as well for the Purpose of defraying his, her, or their Share or Shares of the Costs, Charges, and Expences of putting into execution this Act and the said recited Act, and the Expences of fencing, ditching, subdividing, and draining such Allotment or Allotments in respect of such of the said Lands as are situated within the same Parish wherein the said Allotment or Allotments so sold may be situated, 62 as for and in respect of such of the said Lands or other Hereditaments or Allotments as may be situated in any other Township or Place: Provided always, that it shall not be lawful to raise by such Sale any further or greater Sum of Money than the Person or Persons Part of whose Allotment or Allotments may be sold or disposed of would have been empowered and authorized to borrow or charge upon his, her, or their Allotment or Allotments under or by virtue of the said recited Act or this Act, reckoning Five Pounds for each and every Acre of such Allotment or Allotments.

Not to
charge Lands
with Ex-
pences unless
the Sum to
arise by the
Sale shall be
less than 5*l*.
per Acre.

XLVIII. Provided always, and be it further enacted, That it shall not be lawful for the Proprietor or Person from whose Allotments Lands shall be as aforesaid deducted to charge his, her, or their Lands or Hereditaments, by virtue of the said recited Act or this Act, with any Money towards Payment of such Expences, unless the Money to arise by such Sale shall be less than the Sum 63 of Five Pounds per Acre; and then and in such Case it shall be lawful for such Person or Persons to charge his, her, or their Estate or Estates with, or to raise by Mortgage thereof, or other Means or Ways, as mentioned in the said recited Act or this Act, such further Sum of Money as may be necessary for the Payment of the Expences of executing this Act, and subdividing the said Allotments, as, together with the Value of the Lands so deducted, shall not exceed the Amount that might be borrowed and charged on the Lands to be divided and allotted at the Rate of Five Pounds for each and every Acre.

For Payment
of Expences
of measuring,

XLIX. And be it further enacted, That the Charges and Expences of surveying, valuing, planning, measuring, dividing, and allotting the said

said Open and Common *Arable, Meadow, or*¹ *Pasture Lands or Fields* hereby authorized to be divided, allotted, and inclosed, and of fencing the Lands of the Persons from whom a Deduction of Land shall be made as herein-before directed, and also the Expences of preparing

dividing, allotting, and inclosing Open and Common Lands.

- 64 and enrolling the Awards of and the Allowances and Payments to be made to the said Commissioner or Commissioners, Umpire, and Surveyors respectively, as herein-before directed, and all other Charges and Expences incident to or attending the carrying this Act into execution, shall be paid, borne, and defrayed by all the Proprietors of the Lands and Hereditaments so authorized to be divided, allotted, and inclosed, or exchanged, in such Proportions as the said Commissioner or Commissioners shall settle, adjust, and determine, to be paid at such Time or Times and to such Person or Persons as they the said Commissioner or Commissioners shall order and direct; Notice thereof in Writing under their Hands being given
- 65 Thirty Days before the Time such Payment shall be required: Provided always, that in case any Number of Persons whose Allotments shall not exceed Two Acres respectively shall have required their Allotments to be thrown together as aforesaid, such Persons shall not be liable to pay, bear, or defray any Part of the Charges and Expences aforesaid: *Provided also, that it shall be lawful for Four Fifths in Number and Value of the Proprietors and Persons interested as aforesaid, at any Meeting to be held as herein-before is mentioned, to agree that any Persons whose Allotments shall not exceed Five Acres respectively shall not be liable to pay, bear, or defray any Part of the Charges and Expences aforesaid, and such Persons shall by virtue of such Agreement be exempt from all Liability thereto.*

- L. And be it further enacted, That once at least in every Year, to be computed from the first Appointment of such respective Commissioner or Commissioners, the Accounts of the said Commissioners, Commissioner, or Umpire, containing a true Statement of
- 66 all and every Sum and Sums of Money by them received and expended, or due to them for their Trouble and Expence in the Execution of this Act and the said recited Act of the Forty-first Year of the Reign of His late Majesty King George the Third, until such Account shall be finally settled, shall, together with the Vouchers relating to the same, be by them laid before² *Three* of His Majesty's Justices of the Peace for the County in which the Lands to be in-

Commissioners to account.

¹ other

² One

closed, or the greater Part of them, shall be situated, to be by ¹ *them* examined and balanced; and such Balance shall be stated in the Books of Account to be kept in the Office of the Clerk of the said Commissioners; and no Charge or Item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall be so allowed: *Provided also, that it shall not be lawful for the Commissioners to be appointed in pursuance of this Act, or any of them, to retain or to pay to themselves, or Clerk, out of any Monies to be received by them or over which they may have any Control in the Execution of any Inclosure to be effected under this Act, any Sum or Sums of Money on account of any Allowance herein-before directed to be made to such Commissioners and Clerk respectively beyond One Third of such Allowance as they shall be respectively entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Day of the Delivery of the Award hereby directed to be made in the Church of the Parish in which the Lands inclosed may be situate.*

Awards.

LI. And be it further enacted, That the said Commissioner or 67 Commissioners shall make and execute Awards, with Maps or Plans thereto annexed, and shall cause the same to be enrolled in manner as directed by the said recited Act; and such Awards shall be deposited in the respective Parish Churches of the Parishes wherein the Lands so to be allotted and inclosed, or the greater Part thereof, are situated.

Provisions of Act 41 G. 3., where not altered or repealed, extended to this Act.

LII. And be it further enacted, That all and every the Clauses, Provisions, and Enactments contained in the said Acts of the Forty-first Year of the Reign of King George the Third *and of the First Year of the Reign of King George the Fourth*, or such of them as are applicable to and consistent with the Purposes and Object of this Act, shall and may be in full Force and Effect for carrying into effect the Allotments, Division, Inclosures, and Exchanges hereby authorized to be made, as fully and effectually as if such Clauses, Provisions, and Enactments had been herein repeated and re-enacted, and had been made Part of this Act, with such Alterations and 68 Variations as would adapt them and render them applicable to the Object and Purposes of this Act.

Appeal to Quarter Sessions where Parties think themselves aggrieved.

LIII. And be it further enacted, That it shall be lawful for all Persons who shall think themselves aggrieved by any thing done by

him

virtue

virtue of this Act or the said recited Act (except in Cases where the hi ngs so done are herein or by the said Act of the Forty-first Year of His late Majesty King George the Third declared to be final, binding, and conclusive,) to appeal to the General Quarter Sessions of the Peace which shall be held in and for the County, Riding, or Division wherein the Lands, or the greater Part thereof, in respect of which the Matter of Complaint may arise, shall be situated, or any Adjournment thereof, within Six Calendar Months next after the Cause of Complaint shall have arisen, first giving or causing to be given Twenty-eight Days Notice thereof in Writing to the said Commissioner or Commissioners, or One of them, or to the Parties intended to be appealed against; and the Justices at their said Quarter Sessions, or any Adjournment thereof, are hereby authorized
 69 and required to hear and determine the Matter of every such Appeal, *and shall also hear and determine any Appeal against the Sum agreed to be paid to any Commissioner or Surveyor, or against the Adoption of any Plan, Map, Admeasurement, or Valuation, or against any Rules, Conditions, and Principles which may have been agreed upon, in manner aforesaid, for the Guidance of the Commissioner or Commissioners or Umpire in making Allotments, and shall also hear and determine all Objections (if any) which may have been made, in manner aforesaid, to any Inclosure without the Assistance of Commissioners, or to the Nature or Amount of the Compensation which may have been offered, or to the Manner in which the same may have been proposed to be secured, or on account of there not having been any Compensation offered, and to make such Order ¹ in every such Case respectively, and to award such Costs, as to them in their Discretion shall seem meet, and by their Warrant to levy the Costs awarded by Distress and Sale of the Goods and Chattels of the Parties respectively adjudged to pay the same, rendering the Overplus (if any) to the respective Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; and every Determination of the said Justices shall be final and conclusive on all Parties concerned; and no such Complaint, Appeal, or Proceeding shall be removed or removeable by Certiorari or any other Writ or Proceeding whatsoever into any of His Majesty's Courts of Record at Westminster or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the*

 therein

K

579.

Appellant

Appellant or Appellants as to them in their Discretion shall seem 70
reasonable, and to be levied in manner aforesaid.

Act not to
affect Rights
of Lords of
Manors.

LIV. Provided always, and be it further enacted, That nothing in this Act contained shall in any Case authorize the Inclosure ¹ of any Waste whatsoever, whether the Soil thereof shall or shall not be vested in the Lord of any Manor, and whether with or without the Assent of the Lord of such Manor ; nor shall any thing in this Act contained prejudice, lessen, or defeat the Right, Title, or Interest of the respective Lords for the Time being of any such Manors in or to any of the Royalties or Seignories, Fisheries, Manorial and other Rights, Customs, and Services incident or belonging to the said respective Manors or any of them ; but that such respective Lords, and all and every Person and Persons claiming in Trust for him or them as such respective Lords for the Time being of the said several and respective Manors, shall and may at all Times for ever hereafter have, hold, receive, take, and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, Fines, Goods and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent, Deodands, Waifs, Estrays, and Forfeitures, Privileges and Jurisdic-
tions of their several and respective Manors, to the respective Lords 71 thereof, or any Person or Persons claiming under him or them, incident, belonging, or appertaining, except in respect of any Land or Estate for which Compensation is herein-before authorized to be made, in as full, ample, and beneficial Manner to all Intents and Purposes as the same might or ought to have been held and enjoyed in case this Act had not been passed.

Act not to
extend to
within 10
Miles of
London.

LV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the Inclosure of any Open or Common Fields, or of any Open or Common ² Meadow or ³ Pasture, Lands or Fields situate and being within Ten Miles of the City of London ; or of any Open or Common Meadow or Pasture Lands or Fields situate and being within One Mile of any City or Town of Five thousand Inhabitants, or within One Mile and a Half of any City or

¹ of any Open and Common Meadow or Pasture Fields in or over which any Municipal Corporation has any Rights or Interests or otherwise, or of the Wastes of any Manor the Soil whereof is or shall be vested in the Lord of such Manor,

² Meadows

or Pastures,

Town

Town of Fifteen thousand Inhabitants, or within Two Miles of any City or Town of Thirty thousand Inhabitants, or within Two Miles and a Half of any City or Town of Seventy thousand Inhabitants, or within Three Miles of any City or Town of One hundred thousand Inhabitants; provided that in all Cases the Number of such Inhabitants shall be ascertained by the then last Parliamentary Census thereof; and that such Distance shall be measured in a direct Line from the Town Hall if there shall be any such Town Hall, or if there shall be no such Town Hall, then from the Cathedral or Church if there shall be only one Church, or if there shall be more Churches than One then from the principal Market Place of such City or Town.

LVI. *And be it further enacted, That the Words and Expressions herein-after mentioned, which, in their ordinary Signification, have a more confined or a different Meaning, shall in the Construction of this Act, except when the Nature of the Provision or the Context of the Act exclude such Construction, be interpreted as follows; (that is to say,) the Words "Proprietor," "Owner," and "Person" shall respectively extend as well to an Individual as to a Body Politic, Corporate, or Collegiate, and to a Corporation as well Aggregate as Sole, whether such Corporation be Eleemosynary or Civil, Ecclesiastical or Lay; the Word "Benefice" shall extend to and be taken to comprehend Rectories, Vicarages, Donatives, Perpetual Curacies, Parochial and Consolidated Chapelries and Churches, and Chapels having a District assigned thereto; the Word "Tithes" shall extend to any Rent-charge or Payment in lieu of Tithe; the Word "Land" shall extend to every Species of Land, whether Arable, Meadow, or Pasture, and whether Freehold, Copyhold, or Customary, or held by any other Tenure, and as well to One Piece or Parcel as to any Number of Pieces or Parcels of Land; the Word "Parish" shall be construed to include any Parish, Township, Liberty, Precinct, Vill, Village, Hamlet, Tithing, Chapelry, or any other Place or Division or District of a Place, whether Parochial or Extra-parochial; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing.*

Meaning of
Words in the
Act.

LVII. *Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, Ecclesiastical and Civil, his, her, or their respective Heirs, Successors, Executors, and Administrators, (other than and except the Persons to whom any Allotment or Compensation shall be made by virtue of this Act, in respect of the*

Saving
Clause.

579.

Interest

Interest or Property for which Allotment or Compensation shall be made to them in respect of such Right, and except such other Rights and Interests as the Intents and Purposes hereby authorized shall absolutely require to be barred, destroyed, or extinguished by this Act, and all Persons respectively claiming under them or in Remainder after them,) all such Estate, Right, Title, Interest, Claim, and Demand as they, every or any of them, had or enjoyed of, in, to, or out of the said Open and Common *Arable Meadow* or ¹ *Pasture Lands* or Fields hereby authorized to be divided, allotted, and inclosed, before the passing of this Act, or the carrying the Powers thereof into execution, or could or might have held or enjoyed in case this Act had not been made, or the Powers thereof had not been carried into execution.

other

Common Fields Inclosure.

A

B I L L

[AS AMENDED BY THE LORDS]

INTITLED

AN ACT for facilitating the Inclosure of Open and Arable Fields in England and Wales.

Ordered by The House of Commons, to be Printed,
17 August 1836.



A

B I L L

To abolish certain Offices in the Superior Courts of Common Law, and to make Provision for a more effective and uniform Establishment of Officers in those Courts.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS in His Majesty's Superior Courts of Common Law at Westminster, there are many Officers whose duties have wholly or in part ceased, or are executed by Deputy, and whose offices have become by changes in the law useless, and inapplicable to the present practice and proceedings in those Courts: And whereas by an Act passed in the eleventh year of the reign of King GEORGE the Fourth, and the first year of the reign of His present Majesty, intituled, "An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law," the net annual value of such offices has been ascertained, and the persons who were the holders thereof prior to the Twenty-fourth day of May One thousand eight hundred and Thirty are compensated in manner and form by that Statute pointed out: And whereas the continuance of such sinecure and useless offices tends to impair the effective administration of justice, and to cast upon the public and the suitors in those Courts unnecessary burthens and costs; and it is expedient to abolish the said offices, and to make provision for a more uniform and effective Establishment of Officers in each of the Superior Courts of Common Law; **BE it therefore Enacted,** by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** from and after the *One thousand eight hundred and* the offices mentioned in the Schedule to this

Preamble:
1.
Certain
Offices in
the Courts of
King's Bench,

320. A this

Common
Pleas and
Exchequer
abolished.

this Act annexed, marked (A.), on the Plea side of the Courts of King's Bench and Exchequer, and in the Court of Common Pleas, shall be and the same are hereby abolished.

2.
Certain Per-
sons appointed
as Masters
or Principal
Officers of the
said Courts,
in lieu of the
Officers
abolished.

And be it further Enacted, That from and after the said

One thousand eight hundred and

there shall be in each of the said Courts respectively, to conduct the civil business thereof, the following number of Principal Officers and no more, to be called respectively the Masters of each of the said Courts; (that is to say) on the Plea side of the Court of King's Bench there shall be *Five* such Principal Officers; in the Court of Common Pleas *Four* such Principal Officers, and on the Plea side of the Court of Exchequer *Five* such Principal Officers; and the persons mentioned in the Schedule to this Act annexed, marked (B.) shall be and the same are hereby appointed and declared to be such Masters in each of the said Courts respectively.

3.
Masters of
the said
Courts to
perform all
the Duties,
and exercise
all the Powers
and Autho-
rities, and
receive all the
Fees of the
Officers abo-
lished by
this Act.

And be it further Enacted, That from and after the said

One thousand eight hundred and

all

acts, duties and services now and heretofore done, performed and rendered by the said Officers abolished by this Act, or any of them, in their respective offices in the said Courts, shall continue to be done, performed and rendered by the Masters hereby appointed in each of those Courts, or their successors, or any One or more of them; and such acts, duties and services, when so done, performed and rendered by the said Masters, or their successors, or any One or more of them, shall be good and valid in law to all intents and purposes; and all lawful powers and authorities now or heretofore vested in or exercised by the Officers so abolished as aforesaid, or any of them, by virtue or in right of any office by them held in either of the said Courts, shall be and the same are hereby vested in and shall be exercised by the Masters of those Courts respectively to which the office belonged by virtue and in right of which such power or authority is now or had been heretofore vested in and exercised; and all lawful fees and emoluments now and heretofore taken and received by the said Officers by this Act abolished, or any of them, in right of the offices which they now respectively hold in any of the said Courts, shall from and after the said *One thousand eight hundred and* continue to be taken and received in each of those Courts respectively by the Masters thereof by this Act appointed, or their successors, or any one or more of them, to be by such Masters accounted for and appropriated in the manner and form hereinafter prescribed and pointed out.

4.
Future Mas-
ters to be
appointed by

And be it further Enacted, That when and so often as any vacancy shall occur in any of the said offices of Master in either of the said Superior

rior Courts of Common Law by death, resignation or otherwise, it shall and may be lawful for the Lord Chief Justice or Lord Chief Baron of the Court in which such vacancy shall occur to nominate and appoint some fit and proper person to fill such vacant office; 5 such person being a Barrister or an admitted Attorney in all or any one of those Courts, in actual practice of not less than *Five Years'* standing on the rolls of such Court.

And be it further Enacted, That from and after the said

One thousand eight hundred and

10 the Masters of each of the said Courts hereby appointed, and their successors, shall and may, in and for the discharge of the duties of their offices, have such Clerks and Messengers as the Lord Chief Justice or Lord Chief Baron of the Court for the time being to which such Masters respectively belong shall determine to be necessary and 15 proper; and all such Clerks and Messengers shall and may be appointed by the Lord Chief Justice or Lord Chief Baron of such Court for the time being: Provided always, That so many of the persons who now hold any office abolished by this Act, or are now employed therein, as may be needful, shall be appointed as such neces- 20 sary Clerks and Messengers if they shall be found competent to execute the duties required of them, in preference to any persons who shall not have been so employed prior to the *passing of this Act*.

the Lord Chief Justice or the Lord Chief Baron of the said Courts respectively.

5.

The necessary Clerks and Messengers in the Master's Office to be appointed by the Lord Chief Justice or Lord Chief Baron of the said Courts respectively; a preference being given to those persons, who are now employed in the said Courts.

6.

And be it further Enacted, That all such appointments of Masters, Clerks or Messengers to be made by virtue of this Act shall be so made 25 by the Lord Chief Justice or Lord Chief Baron of the said Courts respectively, without any pecuniary or other consideration whatsoever, directly or indirectly, to be paid or received for the same; and the persons appointed or to be appointed by virtue of this Act shall hold their offices or situations during the good behaviour of the persons so ap- 30 pointed, and shall execute their duties in person, and shall give their attendance in Court or elsewhere, and shall conduct the business of their several departments or offices at such hours and in every respect in such manner as the Lord Chief Justice or the Lord Chief Baron, and the other Justices and Barons of the said Courts respectively 35 shall from time to time order and direct.

Appointments of Masters, Clerks and Messengers to be made without any pecuniary consideration, and during good behaviour, and duties to be conducted in such manner as the Judges may direct.

7.

Provided always, and be it further Enacted, That if either of the said Masters shall from sickness or other unavoidable cause have occasion to be absent from the business of his office for a longer period than *Two Months* at any one time, then and in every such case it shall and 40 may be lawful for the Lord Chief Justice or Lord Chief Baron for the time being of the Court to which such Master shall belong, to give leave of absence by his Order in writing to such Officer, and, if necessary, to appoint a Deputy in his place during such time as shall be expressed

In case of Sickness or other reasonable cause, the duties of the Masters may be performed by Deputy.

in such Order, and the name of such Deputy, and also the cause and time of such absence, shall be stated in such Order ; and such Deputy may, if occasion require it, be changed by the Lord Chief Justice or Lord Chief Baron ; and every Deputy so appointed shall be paid by the principal for whom he shall act such remuneration for his services as the said Lord Chief Justice or Lord Chief Baron shall direct in such Order, not being in any case less than *One-third* of the amount hereinafter fixed, and settled as the salary of the office of a Master of the said Courts respectively. 5

8.

Masters,
Clerks and
Messengers
not to act as
Barristers,
Attornies or
Agents.

And be it further Enacted, That no person holding such office of Master in any of the said Superior Courts, or being a Clerk or Messenger in any of the said Master's offices, shall act as a Barrister, Attorney or Solicitor, or as Agent of any Attorney or Solicitor in any Court of Law or Equity in the United Kingdom, either separately or in partnership with any other during such time as he shall hold such office of Master, or act as such Clerk or Messenger. 10 15

9.

Salaries of
the Masters
fixed.

And be it further Enacted, That the Masters of the said Courts of King's Bench, Common Pleas and Exchequer respectively, shall receive by way of salary for performing the duties of their respective offices the sum of *One thousand two hundred* Pounds per annum, each to commence and be computed from the *One thousand eight hundred and* and to be paid and be payable quarterly, namely, on the *Thirty-first* day of *March*, the *Thirtieth* day of *June*, the *Thirtieth* day of *September*, and the *Thirty-first* day of *December* in every year : Provided always, That those Masters appointed by this Act who are now entitled to and are in the receipt of compensation allowance awarded to them under the provisions of an Act passed in the eleventh year of the reign of King GEORGE the Fourth, and the first year of the reign of His present Majesty, intituled, "An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law," exceeding the salary of *One thousand two hundred* Pounds per annum, shall continue to receive the full amount of such compensation allowance by way of salary so long as they shall respectively hold the office of Master as aforesaid, any law to the contrary notwithstanding; and in cases wherein the compensation allowance under the said Act is less than the salary hereby granted to the Masters of the said Courts respectively, such compensation allowance shall merge and be considered as part of and included in the said salary of *One thousand two hundred* Pounds per annum. 20 25 30 35 40

10.

Salaries of
necessary
Clerks and
Messengers
to be fixed by

And be it further Enacted, That the Clerks and Messengers who shall be appointed as hereinbefore directed to discharge the duties of the offices of the Masters of the said Courts respectively, shall receive by

by way of salary for the performance of the said duties, such annual sum as the Lord Chief Justice or the Lord Chief Baron of the said Courts respectively, and the Lords Commissioners of His Majesty's Treasury, shall from time to time fix and determine, and such salaries shall commence and be computed from the said

the Lord Chief Justice or Lord Chief Baron of the Courts respectively, and the Lords of the Treasury.

One thousand eight hundred and, and shall be paid and payable quarterly, namely, on the *Thirty-first* day of *March*, the *Thirtieth* day of *June*, the *Thirtieth* day of *September*, and the *Thirty-first* day of *December* in every year : Provided always, That if any of the persons appointed as Clerks or Messengers under the provisions of this Act shall be entitled to and in the receipt of compensation allowance awarded to them under the hereinbefore recited Act, which shall exceed the amount of salary fixed and determined as aforesaid, such persons shall be entitled to and shall receive the full amount of such compensation allowance by way of salary so long as they shall respectively hold their offices or situations under this Act; and in cases wherein such compensation allowance shall be less than the amount of salary so fixed and determined, the same shall merge and be considered as part of and included in the said salary.

And be it further Enacted, That the salaries and compensation allowances by way of salary hereinbefore granted to the several Masters of the said Courts respectively; and also the salaries and compensation allowances by way of salary which shall and may be granted to the several Clerks and Messengers in the offices of the Masters under the provisions of this Act, together with the necessary and unavoidable expenses of the said offices respectively, shall be paid and payable out of, and be charged and chargeable upon, the fees received by the Masters in the said Courts respectively, and the surplus of such fees arising in each of the said Courts, after the payment of the said salaries and expenses, shall be paid into the receipt of the Exchequer to the credit of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, at such times and in such manner as the Commissioners of His Majesty's Treasury for the time being shall think proper to direct; and in the event of the fees so received by the Masters of any one of the said Courts being at any time insufficient to defray the said salaries and other necessary expenses, it shall be lawful for the said Commissioners of His Majesty's Treasury, or any Three or more of them, and they are hereby authorized, if they shall think proper, to direct the amount of such deficiency to be charged upon and paid out of the said Consolidated Fund.

11.

Salaries of Masters, &c. and Expenses of Offices to be paid out of the Fees if sufficient, but if not, Deficiency to be charged upon the Consolidated Fund; and Surplus of Fees to be paid into that Fund.

And be it further Enacted, That the Masters of the said Courts respectively shall cause all fees received by them, and all disbursements made thereout for salaries and other necessary expenses, to be duly and regularly entered in one or more books to be kept for that

12.

Masters to keep Books of Account, and render Accounts quarterly to the Treasury.

purpose in their offices, distinguishing the fees received under their several heads, and also the particulars and amount of every disbursement; and shall quarterly, within *One Month* after the *Thirty-first* day of *March*, the *Thirtieth* day of *June*, the *Thirtieth* day of *September*, and the *Thirty-first* day of *December* in every year, render a true and faithful account in writing to the Commissioners of His Majesty's Treasury for the time being of all such fees and disbursements in such form of account, and with such particulars of receipt, or otherwise, and accompanied by such vouchers as the said Commissioners shall from time to time think proper to require and direct; and if upon the examination of any such account it shall appear to the said Commissioners that any fees have not been duly accounted for, or that any unreasonable or improper charge or deduction has been made in such account, it shall be lawful for the said Commissioners finally to settle and adjust the same in such way as they may think reasonable and proper, and the Masters of the said Courts by whom such account shall have been rendered, shall and they are hereby required to alter and amend the said account accordingly: Provided always, That the Masters of the said Courts respectively shall submit their books of account to the inspection of the said Commissioners of His Majesty's Treasury, or any person or persons whom they may employ for that purpose, whenever the said Masters shall be required so to do.

13.
Allowance to
Masters and
other Officers
on their re-
tirement from
office.

And be it further Enacted, That every person appointed or to be appointed under the provisions of this Act as a Master of the said Courts respectively, or as a Clerk or Messenger in the offices of any of such Masters, and who was entitled to and has received compensation in respect of the office formerly held by him under the Act hereinbefore mentioned passed in the eleventh year of the reign of King GEORGE the Fourth, and the first year of the reign of His present Majesty, who shall hereafter resign his office or situation, with the sanction and under the authority of the Lord Chief Justice or Lord Chief Baron of the Court to which he shall belong, shall be entitled to receive, during his life, such annual sum as the Commissioners of His Majesty's Treasury shall think proper to fix and appoint, not being less in any case than *Three-fourth* parts of the net annual value of the office formerly held by him, as certified by the Commissioners under the said last-mentioned Act; and every person appointed or to be appointed to any situation as aforesaid under this Act, who was not entitled and has not received compensation in respect of any former office held by him under the provisions of the said Act, and who shall hereafter resign his office or situation in consequence of his being incapable from infirmity of mind or body to discharge the duties thereof, shall be entitled to receive such superannuation allowance as the said Commissioners of His Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the amount of such superannuation allowance, the said Commissioners shall

shall proceed according to the principles laid down by an Act passed in the fourth and fifth years of the reign of His present Majesty, intituled, "An Act to alter, amend and consolidate the Laws for regulating the Pensions, Compensations and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service;" and all such sums and allowances which shall be so awarded and granted under the authority aforesaid shall be paid and payable and be charged and chargeable in the same way as is hereinbefore provided in respect of the salaries of the Masters, Clerks and Messengers of the said Courts respectively, and the necessary expenses of the said offices.

AND whereas it would tend to the despatch of business, and would assimilate the practice and promote uniformity in the allowance of Costs, if the Masters of the said Courts, appointed or to be appointed under this Act, were empowered to tax Costs which have arisen or may arise in each of the said Courts indiscriminately; BE it therefore Enacted, That from and after the *One thousand eight hundred and* the Masters of the said Courts, appointed or to be appointed as aforesaid, are hereby authorized, empowered and required to tax all Bills of Costs indiscriminately which shall have arisen or which may arise in cases of a civil nature in any of the said Courts, or in the Court of Error in the Exchequer Chamber, although such Costs may not have arisen in respect of business done in the Court to which such Masters may belong; and the Judges of the said Courts, or any *Eight* or more of them, of whom the Chiefs of each of the said Courts shall be *Three*, shall and they are hereby required, by any rule or order to be from time to time made either in term or vacation, to establish such regulations as may be necessary for the purpose of enforcing uniformity of practice in the allowance of Costs in the Common Law Courts, and of ensuring, as far as may be practicable, an equal division of the business of taxation amongst the Masters of the said Courts; and such Judges shall appoint some convenient place in which the said business of Taxation shall be transacted for all the said Courts.

14.
Masters empowered and required to tax Costs indiscriminately in the said Courts.

And be it further Enacted, That this Act may be amended, altered or repealed during the present Session.

15.
Act may be altered this Session.

SCHEDULES

TO WHICH THE FOREGOING ACT REFERS.

SCHEDULE (A.)

OFFICES abolished by this ACT from and after the
day of *One thousand eight hundred and*

On the Plea side of the Court of King's Bench :

The Office of the Chief Clerk.

Secondary, or Master of the King's Bench Office.

Clerk of the Rules.

Clerk of the Papers.

Clerk of the Docquets and Judgments.

Signer of the Writs.

Clerk of the Declarations.

Clerk of the Common Bails, or Appearances.

Estreats and Posteads.

Custos Brevium et Recordorum.

Clerk of the Inner and Upper Treasuries.

Clerk of the Outer Treasury.

Clerks of Nisi Prius in London, Middlesex, and the
Circuits in England and Wales.

Bagbearer to the Custos Brevium.

Clerk of the Errors.

Filacer, Exigenter, and Clerk of the Outlawries.

In the Court of Common Pleas :

The Office of the Custos Brevium.

Prothonotaries.

Secondaries.

Clerk of the Judgments.

Clerk of the Reversals of Outlawries.

Clerk of the Docquets.

Clerk of the Warrants, Enrolments and Estreats.

Clerk of the Essoigns.

Clerk of the Treasury.

Clerk of the Jurata.

Treasury Keeper.

In

In the Court of King's Bench—continued.

The Office of the Clerk of the Juries.

Clerk of the Errors.

Filacers for the several Counties, Cities and Towns
in England and Wales.

Exigenter and Clerk of the Supersedeas.

Clerk of the Outlawries.

On the Plea side of the Court of Exchequer:

The Office of the Masters and Prothonotaries.

Clerk of the Rules.

Filacer.

Clerk of the Errors.

The Office of the Clerk of the Errors in the Exchequer Chamber.

SCHEDULE (B.)

PERSONS appointed by this ACT as the MASTERS of the SUPERIOR
COURTS of COMMON LAW.

The *Five* Masters on the Plea side of the Court of King's Bench,
namely,—

The *Four* Masters of the Court of Common Pleas, namely,—

The *Five* Masters on the Plea side of the Court of Exchequer,
namely,—

Common Law Courts.

A

B I L L

To abolish certain Offices in the Superior
Courts of Common Law, and to make
Provision for a more effective and uniform
Establishment of Officers in those Courts.

(Prepared and brought in by
*Mr. Serjeant Goulburn, Mr. Freshfield and
Mr. Aglionby.*)

*Ordered, by The House of Commons, to be Printed,
10 June 1836.*



A

B I L L

[AS AMENDED BY THE COMMITTEE]

To abolish certain Offices in the Superior Courts of Common Law, and to make Provision for a more effective and uniform Establishment of Officers in those Courts.

[Note.—*The Clauses marked (A.) to (K.) were added by the Committee.*]

WHEREAS in His Majesty's Superior Courts of Common Law at *Westminster*, there are many Officers whose duties have wholly or in part ceased, or are executed by Deputy, and whose offices have become by changes in the law useless, and inapplicable to the present practice and proceedings in those Courts: And whereas by an Act passed in the eleventh year of the reign of King GEORGE the Fourth, and the first year of the reign of His present Majesty, intituled, "An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law," the net annual value of such offices has been ascertained, and the persons who were the holders thereof prior to the Twenty-fourth day of May One thousand eight hundred and Thirty are compensated in manner and form by that Statute pointed out: And whereas the continuance of such sinecure and useless offices tends to impair the effective administration of justice, and to cast upon the public and the suitors in those Courts unnecessary burthens and costs; and it is expedient to abolish the said offices, and to make provision for a more uniform and effective Establishment of Officers in each of the Superior Courts of Common Law; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the First day of January One thousand eight hundred and Thirty-seven the offices mentioned in the Schedule to

Preamble.

1.
Certain
Offices in
the Courts of
King's Bench,

Common
Pleas and
Exchequer
abolished.

this Act annexed, marked (A.), on the Plea side of the Courts of King's Bench and Exchequer, and in the Court of Common Pleas, shall be and the same are hereby abolished.

2.
CLAUSE (A.)
ClerkofErrors
in the Court of
Exchequer
Chamber
abolished.

AND whereas the duties of the Clerk of Errors in the Court of Exchequer Chamber are so much diminished as to render it inexpedient
any longer to continue a separate office for the performance thereof;
BE it further Enacted, That from and after the First day of January
One thousand eight hundred and Thirty-seven, the said office of Clerk
of the Errors in the Court of Exchequer Chamber shall be and the
same is hereby abolished, and all acts, duties and services now and
heretofore done, performed and rendered by the said officer, shall con-
tinue to be done, performed and rendered by the Masters on the Plea
side of the Court of Exchequer hereby appointed, or their successors,
or any one or more of them, and such acts, duties and services, when
so done, performed and rendered by the said Masters or their succes-
sors, or any one or more of them, shall be good and valid in law to all
intents and purposes; and all lawful powers and authorities now and
heretofore vested in or exercised by the said Clerk of Errors in the
Court of Exchequer Chamber, by virtue or in right of his office, shall be
exercised by the said Masters on the Plea side of the Court of Exche-
quer, and all lawful fees and emoluments now and heretofore taken
and received by the said Clerk of Errors in the Court of Exchequer
Chamber, in right of his office, shall, from and after the said First day
of January One thousand eight hundred and Thirty-seven, continue to
be taken and received by the Masters on the Plea side of the Court of
Exchequer appointed by this Act, or their successors, or any one or
more of them, to be by such Masters accounted for and appropriated
in the manner and form hereinafter provided for.

3.
Certain Per-
sons appointed
as Masters
or Principal
Officers of the
said Courts,
in lieu of the
Officers
abolished.

And be it further Enacted, That from and after the said First
day of January One thousand eight hundred and Thirty-seven there
shall be in each of the said Courts respectively, to conduct the
civil business thereof, the following number of Principal Officers and
no more, to be called respectively the Masters of each of the said
Courts; (that is to say) on the Plea side of the Court of King's Bench
there shall be Five such Principal Officers; in the Court of Common
Pleas Five such Principal Officers, and on the Plea side of the Court
of Exchequer Five such Principal Officers; and the persons mentioned
in the Schedule to this Act annexed, marked (B.) shall be and the same
are hereby appointed and declared to be such Masters in each of the
said Courts respectively.

4.
Masters of
the said
Courts to
perform all
the Duties,
and exercise

And be it further Enacted, That from and after the said First
day of January One thousand eight hundred and Thirty-seven all
acts, duties and services now and heretofore done, performed and ren-
dered by the said Officers abolished by this Act, or any of them, in
their

all the Powers
and Author-
ities, and
receive all the
Fees of the
Officers abo-
lished by
this Act.

their respective offices in the said Courts, shall continue to be done performed and rendered by the Masters hereby appointed in each of those Courts, or their successors, or any One or more of them; and such acts, duties and services, when so done, performed and rendered
5 by the said Masters, or their successors, or any One or more of them, shall be good and valid in law to all intents and purposes; and all lawful powers and authorities now and heretofore vested in or exercised by the Officers so abolished as aforesaid, or any of them, by virtue or in right of any office by them held in either of the said Courts, shall
10 be and the same are hereby vested in and shall be exercised by the Masters of those Courts respectively to which the office belonged by virtue and in right of which such power or authority is now and had been heretofore vested in and exercised by such abolished officers; and all lawful fees and emoluments now and heretofore taken and
15 received by the said Officers by this Act abolished, or any of them, in right of the offices which they now respectively hold in any of the said Courts, shall from and after the said First day of January One thousand eight hundred and Thirty-seven continue to be taken and received in each of those Courts respectively by the Masters thereof
20 by this Act appointed, or their successors, or any one or more of them, to be by such Masters accounted for and appropriated in the manner and form hereinafter prescribed and pointed out.

5.
CLAUSE (B.)
Records, &c.
of abolished
Offices trans-
ferred to the
Masters, and
Searches may
be made, and
Copies taken,
as heretofore.

And be it further Enacted, That all the records, books, papers and documents of and concerning the duties and business of the several
25 offices of the Courts of King's Bench, Common Pleas and Exchequer, so abolished as aforesaid, shall, on or before the said First day of January One thousand eight hundred and Thirty-seven, be delivered by the several officers of the said Courts respectively, now having the custody of the same, into the hands and possession of the Masters of
30 said Courts respectively appointed or to be appointed under or by virtue of this Act, to be by them kept and preserved; and searches may be made, and copies or extracts of and from the said records, books, papers and documents, shall and may be had and taken at such times and in such manner as hath been the accustomed practice in the several
35 offices hereby abolished; and all such copies or extracts signed and authenticated by one or more of the said Masters of the said Courts respectively, shall be as available in evidence, and as valid and effectual to all intents and purposes as if the same had been signed, authenti-
40 cated and given by the officers whose offices are hereby abolished, or any of them, subject nevertheless to such rules, orders and regulations as the said Courts shall or may from time to time make or ordain in respect of the same.

6.
CLAUSE (C.)
Certain Offi-
cers hereby
abolished to

And be it further Enacted, That the Chief Clerk of the Court of King's Bench, the Prothonotaries of the Court of Common Pleas, and

pay over to
Masters under
this Act all
Balances in
their hands of
Suitors' money
to be by such
Masters paid
into the Bank
of England.

the Masters and Prothonotaries of the Court of Exchequer, whose offices are abolished by this Act, shall and they are hereby required, on or before the First day of January One thousand eight hundred and Thirty-seven, to pay over to the Masters of the said Courts respectively appointed by this Act, all and every sum and sums of money which shall at any time theretofore have been paid into the said respective Courts by or on the behalf of suitors to abide the event of any suit, or for any purpose whatsoever, and which shall then remain unclaimed and undisposed of in the hands and possession of the said Chief Clerk of the Court of King's Bench, or the said Prothonotaries of the Court of Common Pleas, or the said Masters and Prothonotaries of the Court of Exchequer; and the said last-mentioned officers respectively shall, and they are hereby required, at the time of their paying over the said monies to the Masters of the said Courts respectively as aforesaid, to render to such Masters an account thereof, showing the precise amount paid into Court in each action, the names of the plaintiff and defendant, and of their attornies, and the time when, and by whom, and the purpose, so far as the same can be ascertained, for which the said amount was so paid in, which account the said Masters shall cause to be entered in books to be kept in their offices respectively for that purpose; and the Masters of the said Courts respectively shall and they are hereby required, immediately after the receipt of such sum or sums of money, to pay the same into the Bank of *England* to an account to be opened by the Masters of the said Courts respectively in the books of the Governor and Company of that Bank, to be called the "Account of the Suitors' Fund of the Court of King's Bench, Common Pleas or Exchequer," as the case may be, which accounts respectively the Governor and Company of the Bank of *England* are hereby authorized and required to open in their books accordingly.

7.
CLAUSE (D.)
All Monies
deposited in
Court by
Suitors, at or
after the com-
mencement of
this Act, to
be paid into
the Bank of
England, and
drawn out by
the order of
Two or more
of the Masters
of each Court.

And be it further Enacted, That from and after the said First day of January One thousand eight hundred and Thirty-seven, the Masters of the said Courts respectively shall cause all and every sum or sums of money paid into the said Courts, by or on the behalf of the suitors in either of those Courts, to abide the event of the suit, or for any other purpose whatsoever, to be entered in proper books to be kept for that purpose, and shall forthwith pay all and every such sum or sums of money into the Bank of *England*, to the credit of their respective accounts of the Suitors' Fund to be opened as aforesaid; and the Masters of the said Courts respectively, or any Two or more of them, shall and they are hereby authorized and required to draw on the said Governor and Company of the Bank of *England*, for any sum or sums of money so paid in as aforesaid, either at the commencement of this Act or afterwards, which the Masters of the said Courts respectively may require, for the purposes of any suit pending in their respective Courts; and the said Governor and Company of the Bank of *England* are hereby

hereby authorized and required to pay all such sums of money as may be so drawn for by any order signed by the Masters of the said Courts respectively, or any Two or more of them.

8.

CLAUSE (E.)
Treasury empowered to direct the Surplus Suitsors' Money to be paid into Consolidated Fund, and to be issued therefrom in the event of claim.

And be it further Enacted, That the Masters of the said Courts respectively shall and they are hereby required to render to the Commissioners of His Majesty's Treasury an account of the sums standing in the books kept in their office in the names of the several suitors of the said respective Courts, when and so often, and with such detail and particulars as the said Commissioners shall think proper to direct and require, and if upon the receipt of such account it shall appear to the said Commissioners of His Majesty's Treasury that any portion of the monies mentioned therein are not likely to be required for the purposes for which they were originally paid into the said Courts respectively, it shall and may be lawful to and for the said Commissioners of His Majesty's Treasury, or any Three or more of them, by their warrant, to require and direct the Masters of the said Courts respectively to pay over such portion of the said monies to the account of the Exchequer at the Bank of *England*, and the said monies so paid over by the Masters of the said Courts respectively shall be forthwith carried to and made part of the Consolidated Fund of the United Kingdom : Provided always, That it shall and may be lawful for the said Commissioners of His Majesty's Treasury, or any Three or more of them, and they are hereby required by their warrant, to direct the issue from the Consolidated Fund of the United Kingdom to the Masters of the said Courts respectively, of the whole or any part of the monies which shall from time to time be so carried to the credit of that Fund, as shall be directed to be paid to any person or persons whatsoever entitled thereto, by any rule or order issued by any one or more of the Judges of the said Courts for the time being.

9.

Future Masters to be appointed by the Lord Chief Justice or the Lord Chief Baron of the said Courts respectively.

And be it further Enacted, That when and so often as any vacancy shall occur in any of the said offices of Master in either of the said Superior Courts of Common Law by death, resignation or otherwise, it shall and may be lawful for the Lord Chief Justice or Lord Chief Baron of the Court in which such vacancy shall occur to nominate and appoint some fit and proper person to fill such vacant office ; such person being a Barrister in actual practice of not less than Five years' standing at the Bar, or an admitted Attorney in all or any one of those Courts, in actual practice of not less than Five Years' standing on the rolls of such Court.

10.

The necessary Clerks and Messengers in the Master's Office to be appointed by the Lord Chief Justice or Lord Chief Baron of the

And be it further Enacted, That from and after the said First day of January One thousand eight hundred and Thirty-seven, the Masters of each of the said Courts hereby appointed, and their successors, shall and may, in and for the discharge of the duties of their offices, have such Clerks and Messengers as the Lord Chief

said Courts respectively; a preference being given to those persons who are now employed in the said Courts.

Justice or Lord Chief Baron of the Court for the time being to which such Masters respectively belong shall determine to be necessary and proper; and all such Clerks and Messengers shall and may be appointed by the majority of the Masters of the said Courts respectively, with the sanction and approval of the Lord Chief Justice or Lord Chief Baron of the Court to which such Masters shall belong: Provided always, That so many of the persons who now hold any office abolished by this Act, or are now employed therein, as may be needful, shall be appointed as such Clerks and Messengers if they shall be found competent to execute the duties required of them, in preference to any persons who shall not have held such abolished offices or been so employed prior to the passing of this Act. 5 10

11.
Appointments of Masters, Clerks and Messengers to be made without any pecuniary consideration, and during good behaviour, and duties to be conducted in such manner as the Judges may direct.

And be it further Enacted, That all such appointments of Masters, Clerks or Messengers to be made by virtue of this Act shall be so made by the Lord Chief Justice or Lord Chief Baron or by the Masters of the said Courts respectively, without any pecuniary or other consideration whatsoever, directly or indirectly, to be paid or received for the same; and the persons appointed or to be appointed as such Masters by virtue of this Act shall hold their offices during the good behaviour of the persons so appointed; and the persons to be appointed by virtue of this Act as such Clerks and Messengers shall hold their offices or situations during pleasure; and all such Masters, Clerks and Messengers shall execute their duties in person, and shall give their attendance in Court or elsewhere, and shall conduct the business of their several departments or offices at such hours and in every respect in such manner as the Lord Chief Justice or the Lord Chief Baron, and the other Justices and Barons of the said Courts respectively shall from time to time order and direct. 15 20 25

12.
In case of Sickness or other reasonable cause, the duties of the Masters may be performed by Deputy.

Provided always, and be it further Enacted, That if either of the said Masters shall from sickness or other unavoidable cause have occasion to be absent from the business of his office for a longer period than Two Months at any one time, then and in every such case it shall and may be lawful for the Lord Chief Justice or Lord Chief Baron for the time being of the Court to which such Master shall belong, to give leave of absence by his Order in writing to such Officer, and, if necessary, to appoint a Deputy in his place during such time as shall be expressed in such Order, and the name of such Deputy, and also the cause and time of such absence, shall be stated in such Order; and such Deputy may, if occasion require it, be changed by the Lord Chief Justice or Lord Chief Baron; and every Deputy so appointed shall be paid by the principal for whom he shall act such remuneration for his services as the said Lord Chief Justice or Lord Chief Baron shall direct in such Order, not being in any case less than One-third of the amount hereinafter fixed, and settled as the salary of the office of a Master of the said Courts respectively. 30 35 40

And

And be it further Enacted, That no person holding such office of Master in any of the said Superior Courts, or being a Clerk or Messenger in any of the said Master's offices, shall either directly or indirectly act as a Barrister, Attorney or Solicitor, or as Agent of any Attorney or Solicitor in any Court of Law or Equity in the United Kingdom, either separately or in partnership with any other during such time as he shall hold such office of Master, or act as such Clerk or Messenger.

13. 245
Masters,
Clerks and
Messengers
not to act as
Barristers,
Attornies or
Agents.

And be it further Enacted, That the Masters of the said Courts of King's Bench, Common Pleas and Exchequer respectively, shall receive by way of salary for performing the duties of their respective offices the sum of One thousand two hundred Pounds per annum, each to commence and be computed from the First day of January One thousand eight hundred and Thirty-seven, and to be paid and be payable quarterly, namely, on the Thirty-first day of March, the Thirteenth day of June, the Thirtieth day of September, and the Thirty-first day of December in every year: Provided always, That those persons appointed by this Act or who may be hereafter appointed as such Masters, and who are now entitled to and are in the receipt of compensation allowance awarded to them under the provisions of an Act passed in the eleventh year of the reign of King GEORGE the Fourth, and the first year of the reign of His present Majesty, intituled, "An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law," exceeding the salary of One thousand two hundred Pounds per annum, shall continue to receive the full amount of such compensation allowance by way of salary so long as they shall respectively hold the office of Master as aforesaid; and in cases wherein the compensation allowance under the said Act is less than the salary hereby granted to the Masters of the said Courts respectively, such compensation allowance shall merge and be considered as part of and included in the said salary of One thousand two hundred Pounds per annum: Provided always, That nothing herein contained shall extend or be construed to extend to deprive *Stephen Richards, Kenrick Collett, Edmund Walker and George Chilton*, Esquires, four of the present principal officers on the Plea side of the Court of Exchequer, of the amount of official income and salary which they are now in the receipt of respectively, so long as they shall hold the office of Masters under this Act, but that the said persons shall continue in the enjoyment of the same official income and salary which they now respectively receive during all the time they respectively hold such offices of Masters under this Act.

14.
Salaries of
the Masters
fixed.

And be it further Enacted, That the Clerks and Messengers who shall be appointed as hereinbefore directed to discharge the duties of the offices of the Masters of the said Courts respectively, shall receive by way of salary for the performance of the said duties, such annual sum as the Lord Chief Justice or the Lord Chief Baron of the said

15.
Salaries of
necessary
Clerks and
Messengers
to be fixed by
the Lord
Chief Justice
or Lord Chief

Baron of the
Courts respec-
tively, and
the Lords of
the Treasury.

Courts respectively, and the Commissioners of His Majesty's Treasury, shall from time to time fix and determine, and such salaries shall commence and be computed from the said First day of January One thousand eight hundred and Thirty-seven, and shall be paid and payable quarterly, namely, on the Thirty-first day of 5 March, the Thirtieth day of June, the Thirtieth day of September, and the Thirty-first day of December in every year : Provided always, That if any of the persons appointed as Clerks or Messengers under the provisions of this Act shall be entitled to and in the receipt of compensation allowance awarded to them under the hereinbefore recited Act, which 10 shall exceed the amount of salary fixed and determined as aforesaid, such persons shall be entitled to and shall receive the full amount of such compensation allowance by way of salary so long as they shall respectively hold their offices or situations under this Act ; and in cases wherein such compensation allowance shall be less than the amount of 15 salary so fixed and determined, the same shall merge and be considered as part of and included in the said salary.

16.

Salaries of
Masters, &c.
and Expenses
of Offices to
be paid out of
the Fees if
sufficient, but
if not, Defi-
ciency to be
charged upon
the Consoli-
dated Fund ;
and Surplus
of Fees to be
paid into that
Fund.

And be it further Enacted, That the salaries and compensation allowances by way of salary hereinbefore granted to the several 20 Masters of the said Courts respectively ; and also the salaries and compensation allowances by way of salary which shall and may be granted to the several Clerks and Messengers in the offices of the Masters under the provisions of this Act, together with the necessary and unavoidable expenses of the said offices respectively, shall be paid and payable out of, and be charged and chargeable upon, the fees 25 received by the Masters in the said Courts respectively, and the surplus of such fees arising in each of the said Courts, after the payment of the said salaries and expenses, shall be paid into the receipt of the Exchequer to the credit of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, at such times and in such manner as the 30 Commissioners of His Majesty's Treasury for the time being shall think proper to direct ; and in the event of the fees so received by the Masters of any one of the said Courts being at any time insufficient to defray the said salaries and other necessary expenses, it shall be lawful for the said Commissioners of His Majesty's Treasury, or any Three or more 35 of them, and they are hereby authorized and required to direct the amount of such deficiency to be charged upon and paid out of the said Consolidated Fund.

17.

CLAUSE (F.)
Masters,
Clerks and
Messengers
not to take
gratuities on
pain of dis-
missal.

And be it further Enacted, That if any Master of the said Courts respectively appointed, or to be appointed under or by virtue of this 40 Act, or any person whatever employed in the offices of the said Masters, shall, for any thing done or pretended to be done relating to his office or employment, or under colour of doing any thing relating to his office or employment, or for forbearing to do any act properly appertaining

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appertaining to his said office, demand, take, receive or accept or allow any person whatsoever to take for him, or on his account, or for or on account of or in trust for him or any other person named by him, any gratuity, perquisite or reward, or any thing of value, other than the lawful fees and emoluments hereinbefore directed to be taken and received, and accounted for as aforesaid, or other than the salary or remuneration allowed or to be allowed to every such Master or person aforesaid, it shall be lawful for the said Lord Chief Justice or Lord Chief Baron of the Court to which such Master or person shall belong, and he is hereby empowered and required, upon his being satisfied that the person charged is guilty of so offending, to remove him from his office or employment; and the person so removed shall be and is hereby rendered incapable for ever thereafter of holding any office, situation or employment in the said Courts respectively, or of otherwise serving His Majesty, His heirs or successors, in any manner whatsoever.

And be it further Enacted, That the Masters of the said Courts respectively shall cause all fees received by them, and all disbursements made thereout for salaries and other necessary expenses, to be duly and regularly entered in one or more books to be kept for that purpose in their offices, distinguishing the fees received under their several heads, and also the particulars and amount of every disbursement; and shall quarterly, within One Month after the Thirty-first day of March, the Thirtieth day of June, the Thirtieth day of September, and the Thirty-first day of December in every year, render a true and faithful account in writing to the Commissioners of His Majesty's Treasury for the time being of all such fees and disbursements in such form of account, and with such particulars of receipt, or otherwise, and accompanied by such vouchers as the said Commissioners shall from time to time think proper to require and direct; and if upon the examination of any such account it shall appear to the said Commissioners that any fees have not been duly accounted for, or that any unreasonable or improper charge or deduction has been made in such account, it shall be lawful for the said Commissioners finally to settle and adjust the same in such way as they may think reasonable and proper, and the Masters of the said Courts by whom such account shall have been rendered, shall and they are hereby required to alter and amend the said account accordingly: Provided always, That the Masters of the said Courts respectively shall submit their books of account to the inspection of the said Commissioners of His Majesty's Treasury, or any person or persons whom they may employ for that purpose, whenever the said Masters shall be required so to do.

18.

Masters to keep Books of Account, and render Accounts quarterly to the Treasury.

19.

Allowance to Masters and other Officers on their retirement from office.

And be it further Enacted, That every person appointed or to be appointed under the provisions of this Act as a Master of the said Courts

Courts respectively, or as a Clerk or Messenger in the offices of any of such Masters, and who was entitled to and has received compensation in respect of the office formerly held by him under the Act hereinbefore mentioned passed in the eleventh year of the reign of King GEORGE the Fourth, and the first year of the reign of His present Majesty, who shall hereafter resign his office or situation, with the sanction and under the authority of the Lord Chief Justice or Lord Chief Baron of the Court to which he shall belong, shall be entitled to receive, during his life, such annual sum as the Commissioners of His Majesty's Treasury shall think proper to fix and appoint, not being less in any case than Three-fourth parts of the net annual value of the office formerly held by him, as certified by the Commissioners under the said last-mentioned Act; and every person appointed or to be appointed to any situation as aforesaid under this Act, who was not entitled and has not received compensation in respect of any former office held by him under the provisions of the said Act, and who shall hereafter resign his office or situation in consequence of his being incapable from infirmity of mind or body to discharge the duties thereof, shall be entitled to receive such superannuation allowance as the said Commissioners of His Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the amount of such superannuation allowance, the said Commissioners shall take into consideration the whole period during which any such person shall have been permanently employed in any office or situation in either of the said Courts prior to the passing of this Act, and shall proceed according to the principles laid down by an Act passed in the fourth and fifth years of the reign of His present Majesty, intituled, "An Act to alter, amend and consolidate the Laws for regulating the Pensions, Compensations and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service;" and all such sums and allowances which shall be so awarded and granted under the authority aforesaid shall be paid and payable and be charged and chargeable in the same way as is hereinbefore provided in respect of the salaries of the Masters, Clerks and Messengers of the said Courts respectively, and the necessary expenses of the said offices.

20.
Masters empowered and required to tax Costs indiscriminately in the said Courts.^a

AND whereas it would tend to the despatch of business, and would assimilate the practice and promote uniformity in the allowance of Costs, if the Masters of the said Courts, appointed or to be appointed under this Act, were empowered to tax Costs which have arisen or may arise in each of the said Courts indiscriminately; BE it therefore Enacted, That from and after the First day of January One thousand eight hundred and Thirty-seven the Masters of the said Courts, appointed or to be appointed as aforesaid, are hereby authorized, empowered and required to tax all Bills of Costs indiscriminately which shall have arisen or which may arise in cases of a civil nature

nature in any of the said Courts, or in the Court of Error in the
 Exchequer Chamber, although such Costs may not have arisen in
 respect of business done in the Court to which such Masters may
 belong; and the Judges of the said Courts, or any Eight or more
 5 of them, of whom the Chiefs of each of the said Courts shall be
 Three, shall and they are hereby required, by any rule or order to be
 from time to time made either in term or vacation, to establish such
 regulations as may be necessary for the purpose of enforcing unifor-
 mity of practice in the allowance of Costs in the Common Law Courts,
 10 and of ensuring, as far as may be practicable, an equal division of the
 business of taxation amongst the Masters of the said Courts; and such
 Judges shall appoint some convenient place in which the said busi-
 ness of Taxation shall be transacted for all the said Courts.

WHEREAS by an Act passed in the sixth year of the reign of his
 15 late Majesty King GEORGE the Fourth, intituled, "An Act to abolish
 the Sale of Offices in the Court of King's Bench in *England*, to make
 Provision for the Lord Chief Justice of the said Court, and to grant an
 additional Annuity to the said Lord Chief Justice on resignation of his
 Office," it was declared, that the several offices of Clerk of the Rules
 20 on the Plea side, Clerk of the Papers on the Plea side, Clerk of the
 Declarations, Clerk of the Common Bails, Estreats and Pastas, and
 Clerk of the Dockets, all in the Court of King's Bench, were in the
 gift of the Chief Clerk of the said Court, and were saleable by him;
 and also that the offices of Clerks of the Inner and Outer Treasury,
 25 Clerks of Nisi Prius in *London* and other cities, and on the several
 circuits, and Bagbearer on the Plea side also in the Court of King's
 Bench, were in the gift of the Custos Brevium of the said Court, and
 were saleable by him, and that it was expedient to abolish the sale of
 such offices, without prejudice however to the rights of any of the
 30 persons then holding the same, or having the right of appointment
 thereto: AND whereas by another Act passed in the sixth year of the
 reign of his said late Majesty King GEORGE the Fourth, intituled,
 "An Act to abolish the Sale of Offices in the Court of Common Pleas
 in *England*, to make Provision for the Lord Chief Justice of the said
 35 Court, and to grant an additional Annuity to the said Lord Chief Jus-
 tice on Resignation of his Office," it was declared, that the offices of
 Second Prothonotary and Clerk of the Juries were appointed by the
 Lord Chief Justice on the nomination of the Custos Brevium, and that
 each of the three Prothonotaries of the said Court had the appoint-
 40 ment of one Secondary, and such rights of appointments were con-
 tinued to the persons then in possession of the said offices of Custos
 Brevium and Prothonotaries respectively: AND whereas by another
 Act passed in the second and third years of the reign of His present
 Majesty, intituled, "An Act for the better Regulation of the Duties to
 be performed by the Officers on the Plea side of the Court of Exche-

21.
 CLAUSE (G.)
 Treasury em-
 powered to
 grant Compens-
 ation to
 certain Per-
 sons for the
 loss of the
 sale of, and
 appointment
 to, Offices
 abolished by
 this Act.
 Chap. 82.

Chap. 83.

Chap. 110.

quer," it was enacted, that if any vacancy should occur in either of
 the three offices of Master and Prothonotary on the Plea side of the said
 Court of Exchequer, created by that Act, during the lifetime of
William Stewart Rose, Esquire, and whilst he should hold the office
 of Clerk of the Pleas of the said Court, the said *William Stewart Rose* 5
 should appoint a person to such vacancy, subject to the approbation
 of the Lord Chief Baron for the time being: AND whereas the persons
 who were so declared by the said recited Acts to be in possession of
 the right of sale, and appointment in and to the several offices men-
 tioned in the said Acts are still living: AND whereas by the operation 10
 of this Act the whole of the said offices will be abolished, and it is only
 just and reasonable that provision should be made for granting com-
 pensation, upon equitable principles, to such of the persons possessed
 of such rights as shall appear at any time hereafter upon due inquiry
 and investigation to be entitled thereto; BE it further Enacted, That 15
 in the event of any or either of the persons now holding the offices of
 Chief Clerk and of Custos Brevium of the Court of King's Bench, the
 offices of Custos Brevium and of Prothonotaries of the Court of
 Common Pleas, and the office of Clerk of the Pleas of the Court of
 Exchequer, surviving any or either of the parties now holding any or 20
 either of the offices before-mentioned, so declared as aforesaid to be in
 the gift and appointment respectively of the said Chief Clerk or Custos
 Brevium in the Court of King's Bench, the said Custos Brevium or
 Prothonotaries in the Court of Common Pleas, and the said Clerk
 of the Pleas in the Court of Exchequer, and to which he or they 25
 would have had the right of appointment if this Act had not been
 passed, it shall be lawful for him or them, at any time within Six
 calendar Months after the death of any or either of the parties now
 holding the offices to which such right of sale or appointment attaches;
 or would have attached, as aforesaid, to apply to the Lord High Trea- 30
 surer or the Commissioners of His Majesty's Treasury for compensa-
 tion for the loss of the sale of or appointment to the office formerly
 held by the party so dying; and in every such case the Lord High
 Treasurer or the Commissioners of His Majesty's Treasury shall exa-
 mine into such application and claim by all and every such means as 35
 he or they shall think proper; and thereupon it shall be lawful for the
 said Lord High Treasurer, or any Three or more of the said Commis-
 sioners of His Majesty's Treasury, if he or they shall think that any
 or either of the said persons are entitled to compensation, to order and
 direct, by warrant under his or their hands, that such annual or other 40
 compensation shall be made to any or either of the persons who may
 be deemed entitled thereto, as the said Lord High Treasurer or the
 said Commissioners of His Majesty's Treasury shall upon full inquiry
 and in his or their discretion deem just and reasonable; and all such
 compensations, whether annual or in gross, shall be issued and paid
 and

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and payable out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* :

Provided always, That an account of all such compensations shall, within Fourteen Days next after the same shall have been granted as

5 aforesaid, be laid before the Commons' House of Parliament, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the meeting of Parliament then next following : Provided always, That nothing herein contained shall extend or be construed to extend to alter or repeal or in any way

10 to affect the provisions of an Act made and passed in the sixth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to authorize the Purchase of the Office of Receiver and Comptroller of the Seal of the Courts of King's Bench and Common Pleas, and of Custos Brevium of the Court of Common Pleas." Chap. 89.

22.

CLAUSE (H)
Treasury empowered to grant Compensation to certain Officers of the Court of Common Pleas who were in office prior to 24 May 1830.
Chap. 58.

Chap. 35.

15 WHEREAS by the Act hereinbefore recited, passed in the eleventh year of the reign of King George the Fourth, and first year of the reign of His present Majesty, certain officers belonging to the Superior Courts of Common Law, who were appointed prior to the Twenty-fourth day of May One thousand eight hundred and Thirty, are

20 entitled to receive compensation for any loss thereafter sustained by them in their fees and emoluments, in consequence of the amendments and alterations in the process, practice, pleadings and other proceedings of the said Courts : AND whereas by another Act passed in the first and second years of the reign of His present Majesty, to explain

25 and amend the said Act, the Warden of the Fleet Prison was declared to be within the true intent and meaning of the said first-mentioned Statute ; but no provision was made for the several persons holding the offices of Clerk of the Papers in the said Prison, and the Tipstiffs of the Court of Common Pleas, who were severally appointed to their

30 offices by the said Warden prior to the said Twenty-fourth day of May One thousand eight hundred and Thirty : AND whereas the Clerk of the Papers at the King's Bench Prison, and the Tipstiffs of the Court of King's Bench, have been and now are compensated under the provisions of the said first recited Act, and it is only just and reasonable that

35 the same description of officers in the Court of Common Pleas, whose duties and emoluments are similar in their nature to those attached to the Court of King's Bench should be placed upon the same footing ; BE it therefore Enacted, That the Lords Commissioners of His Majesty's Treasury shall ascertain the gross and net annual value of the

40 offices of the said Clerk of the Papers at the Fleet Prison, and the Tipstiffs of the Court of Common Pleas respectively, according to a fair average of the lawful fees and emoluments of such offices, for a period of Ten Years next, preceding the Twenty-fourth day of May One thousand eight hundred and Thirty, and according to the same

rules and principles as were adopted by certain Commissioners in
399. B 3 ascertaining

ascertaining the value of other offices in the Superior Courts of Common Law, under the provisions of the said recited Acts, and in case the net amount of the fees and emoluments actually received by either of the said officers, has in any year since the the said Twenty-fourth day of May One thousand eight hundred and Thirty, fallen short or shall hereafter fall short of the net annual value of their offices as aforesaid, every such officer shall be entitled to receive, from and after the said Twenty-fourth day of May, and so long as he or they shall continue in office, from the Lord High Treasurer or Commissioners of His Majesty's Treasury, the full amount of the difference between the net sum actually received by such officer, and the net value of his office; and the amount so to be paid shall be charged and chargeable, and be paid and payable out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* in the same way as other officers belonging to the Superior Courts of Common Law are now paid; and in case the net amount of the lawful fees and emoluments actually received by either of the said officers in any year since the said Twenty-fourth day of May has exceeded, or shall hereafter exceed, the net annual value of their offices ascertained as aforesaid, the surplus shall be paid into the receipt of the Exchequer to the credit of the said Consolidated Fund at such times and in such manner as the said Commissioners of His Majesty's Treasury shall think proper to direct.

23.

CLAUSE (I.)
Persons whose
Offices are
abolished to
receive full
amount of
Compensation under 11
Geo. 4. and
1 Will. 4,
c. 58, until
the Treasury
shall otherwise
determine under
the Provisions
of that Act.

And be it further Enacted, That the provisions and powers contained in the before recited Act passed in the eleventh year of the reign King GEORGE the Fourth, and the first year of the reign of His present Majesty, intituled, "An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law," shall, so far as the same is applicable, extend to all cases in which any office shall be abolished by the authority of this or any subsequent Act, and the person, his heirs, executors or administrators, who, in case such office were not abolished, would, under the provisions of the last recited Act, have been entitled to receive the difference between the net amount of the fees and emoluments which would have become due in such office, and the certified value thereof, shall be entitled, from the time of the abolition of such office to receive the full amount of such certified value in four equal quarterly payments on the Fifth days of April, July and January, and the Tenth day of October in each year, to be paid and payable out of the same fund as is provided by the said Act for the payment of such difference until such other arrangement for his compensation, in consequence of such person being by the abolition of his office relieved from further duties, attendance and responsibility, shall have been made under the powers and provisions of the said recited Act, and when such other arrangement shall have been so made, the annual sum which shall be thereby fixed and appointed for such abolished office shall be a charge upon,

upon, and shall be paid out of the Consolidated Fund of the United Kingdom, without any fee or deduction whatever, together with a proportional part of such annual sum for the time which at the decease of the person entitled thereto shall have elapsed since the last payment thereof.

AND whereas by an Act passed in the seventh year of the reign of her late Majesty Queen ANNE, intituled, "An Act for the Public Registering of Deeds, Conveyances and Wills and other Incumbrances which shall be made of or shall affect any Honors, Manors, Lands, Tenements or Hereditaments within the County of *Middlesex*, after the Twenty-ninth day of September One thousand seven hundred and Nine," and by another Act passed in the twenty-fifth year of the reign of his Majesty King GEORGE the Second, intituled, "An Act for appointing the Deputy or Secondary of the Chief Clerk to enrol Pleas in the King's Bench, called the Master of the King's Bench Office, one of the Registers or Masters for the Inrolment of Deeds, Wills and other conveyances in the County of *Middlesex*, in the place and stead of such Chief Clerk," it is provided, that the Clerk of the Warrants in the Court of Common Pleas, and the Master or Secondary of the Court of King's Bench for the time being, shall be two of the officers for executing the duties of Registers and Masters for the matters and things in the said first recited Act contained: AND whereas the said offices of Clerk of the Warrants in the Court of Common Pleas and the Master or Secondary of the Court of King's Bench will be abolished by this Act, and doubts may arise whether those officers can any longer continue legally to execute the duties of such Registers and Masters as aforesaid, BE it therefore Enacted, That nothing in this Act contained shall extend or be construed to extend to abolish the office of Registers or Masters for the inrolment of Deeds, Wills and other conveyances in the county of *Middlesex*, or for any other matters or things in the said first recited Act contained, or to deprive any of the persons now holding such office of Registers or Masters of that office, and that such persons shall and may henceforth, and until otherwise provided for by law, continue to hold and enjoy such office and execute all the powers and duties appertaining thereto in the same manner to all intents and purposes as if this Act had not been passed; and if the Clerk of the Warrants in the Court of Common Pleas, or the Master or Secondary of the Court of King's Bench abolished by this Act, and who now hold the office of such Registers or Masters as aforesaid, shall die, resign, otherwise be discharged from the office of Registers or Masters, it shall be lawful for the Lords Chief Justices of the Courts of King's Bench and Common Pleas for the time being, until otherwise directed by Parliament, to nominate and appoint some fit and proper person to fill the office of such Register or Master, such person being a Barrister or being an Attorney in any one of the Superior Courts of Common

24.

CLAUSE (K.)
Clerk of the
Warrants in
Court of Com-
mon Pleas and
Master or
Secondary of
the Court of
King's Bench
continued in
the Office of
Registers of
Deeds in
Middlesex,
notwithstand-
ing the
abolition of
their Offices in
the Courts of
Law.

Law at *Westminster*, in actual practice of not less than Five Years' standing on the Rolls of such Court, in the place or stead of the person so dying, resigning or being discharged from such office ; and the person so nominated and appointed by the Lords Chief Justices as aforesaid, shall, previously to his entering upon or executing such office, take such oath or oaths, and afterwards execute such office, and the powers and duties appertaining thereto, in the same manner to all intents and purposes as the persons executing the same would by law be required and authorized to take and execute if this Act had not been passed.

5

25.

Act may be
altered this
Session.

And be it further Enacted, That this Act may be amended, altered or repealed during the present Session.

SCHEDULES

TO WHICH THE FOREGOING ACT REFERS.

SCHEDULE (A.)

OFFICES abolished by this ACT from and after the
day of One thousand eight hundred and

On the Plea side of the Court of King's Bench :

The Office of the Chief Clerk.

Secondary, or Master of the King's Bench Office.

Clerk of the Rules.

Clerk of the Papers.

Clerk of the Docquets and Judgments.

Signer of the Writs.

Clerk of the Declarations.

Clerk of the Common Bails, or Appearances.

Estreats and Posteads.

Custos Brevium et Recordorum.

Clerk of the Inner and Upper Treasuries.

Clerk of the Outer Treasury.

Clerks of Nisi Prius for *London, Middlesex*, and the
several Circuits in *England* and *Wales*.

Bagbearer to the Custos Brevium.

Clerk of the Errors.

Filacer, Exigenter, and Clerk of the Outlawries.

In the Court of Common Pleas :

The Office of the Custos Brevium.

Prothonotaries.

Secondaries.

Clerk of the Judgments.

Clerk of the Reversals of Outlawries.

Clerk of the Docquets.

Clerk of the Warrants, Enrolments and Estreats.

Clerk of the Essoigns.

Clerk of the Treasury.

Clerk of the Jurata.

Treasury Keeper.

In the Court of Common Pleas—*continued.*

The Office of the Clerk of the Juries.

Clerk of the Errors.

Filacers for the several Counties, Cities and Towns
in *England* and *Wales*.

Exigenter and Clerk of the Supersedeas.

Clerk of the Outlawries.

On the Plea side of the Court of Exchequer:

The Office of the Masters and Prothonotaries.

Clerk of the Rules.

Filacer.

Clerk of the Errors.

Clerk of the Pleas.

SCHEDULE (B.)

PERSONS appointed by this ACT as the MASTERS of the SUPERIOR
COURTS of COMMON LAW.

The Five Masters on the Plea side of the Court of King's Bench;
namely,—

The Five Masters of the Court of Common Pleas, namely,—

The Five Masters on the Plea side of the Court of Exchequer,
namely,—

257

Common Law Courts.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To abolish certain Offices in the Superior
Courts of Common Law, and to make
Provision for a more effective and uniform
Establishment of Officers in those Courts.

(Prepared and brought in by
*Mr. Sergeant Goulburn, Mr. Freshfield and
Mr. Aglionby.*)

*Ordered, by The House of Commons, to be Printed,
1 July 1836.*



A

B I L L

[AS AMENDED ON RE-COMMITMENT]

To abolish certain Offices in the Superior Courts of Common Law, and to make Provision for a more effective and uniform Establishment of Officers in those Courts.

[Note.—*The Clauses marked (A.) to (K.) were added by the Committee ; and the Clause marked (L.) was added on the Re-commitment.*]

WHEREAS in His Majesty's Superior Courts of Common Law at *Westminster*, there are many Officers whose duties have wholly or in part ceased, or are executed by Deputy, and whose offices have become by changes in the law useless, and inapplicable to the present practice and proceedings in those Courts : And whereas by an Act passed in the eleventh year of the reign of King GEORGE the Fourth, and the first year of the reign of His present Majesty, intituled, "An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law," the net annual value of certain of such offices has been ascertained, and the persons who were the holders thereof prior to the Twenty-fourth day of May One thousand eight hundred and Thirty are compensated in manner and form by that Statute pointed out : And whereas the continuance of sinecure and useless offices tends to impair the effective administration of justice, and to cast upon the public and the suitors in those Courts unnecessary burthens and costs ; and it is expedient to abolish the said offices, and to make provision for a more uniform and effective Establishment of Officers in each of the Superior Courts of Common Law ; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Preamble.

THAT

1.
Certain
Offices in
the Courts of
King's Bench,
Common
Pleas and
Exchequer
abolished.

THAT from and after the First day of January One thousand eight hundred and Thirty-seven the offices mentioned in the Schedule to this Act annexed, marked (A.), on the Plea side of the Courts of King's Bench and Exchequer, and in the Court of Common Pleas, shall be and the same are hereby abolished.

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2.
CLAUSE (A.)
Clerk of Errors
in the Court of
Exchequer
Chamber
abolished.

AND whereas the duties of the Clerk of Errors in the Court of Exchequer Chamber are so much diminished as to render it inexpedient any longer to continue a separate office for the performance thereof; BE it further Enacted, That from and after the First day of January One thousand eight hundred and Thirty-seven, the said office of Clerk of the Errors in the Court of Exchequer Chamber shall be and the same is hereby abolished, and all acts, duties and services now and heretofore done, performed and rendered by the said officer, shall continue to be done, performed and rendered by the Masters on the Plea side of the Court of Exchequer hereby appointed, or their successors, or any one or more of them, and such acts, duties and services, when so done, performed and rendered by the said Masters or their successors, or any one or more of them, shall be good and valid in law to all intents and purposes; and all lawful powers and authorities now and heretofore vested in or exercised by the said Clerk of Errors in the Court of Exchequer Chamber, by virtue or in right of his office, shall be exercised by the said Masters on the Plea side of the Court of Exchequer, and all lawful fees and emoluments now and heretofore taken and received by the said Clerk of Errors in the Court of Exchequer Chamber, in right of his office, shall, from and after the said First day of January One thousand eight hundred and Thirty-seven, continue to be taken and received by the Masters on the Plea side of the Court of Exchequer appointed by this Act, or their successors, or any one or more of them, to be by such Masters accounted for and appropriated in the manner and form hereinafter provided for.

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3.
Certain Per-
sons appointed
as Masters
or Principal
Officers of the
said Courts,
in lieu of the
Officers
abolished.

And be it further Enacted, That from and after the said First day of January One thousand eight hundred and Thirty-seven there shall be in each of the said Courts respectively, to conduct the civil business thereof, the following number of Principal Officers and no more, to be called respectively the Masters of each of the said Courts; (that is to say) on the Plea side of the Court of King's Bench there shall be Five such Principal Officers; in the Court of Common Pleas Five such Principal Officers, and on the Plea side of the Court of Exchequer Five such Principal Officers; and the persons mentioned in the Schedule to this Act annexed, marked (B.) shall be and the same are hereby appointed and declared to be such Masters in each of the said Courts respectively.

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4.
CLAUSE (L.)

Provided always, and it is hereby further Declared and Enacted, That *Henry Belward Ray*, esquire, shall hold and enjoy the said appointment or office of first Master of the Court of Common Pleas during the

the

the same term, and with and under and subject to the same estate, title and tenure as he heretofore held the office of Prothonotary of the Court of Common Pleas, and with all and every the incidents, rights, powers, authorities and privileges which heretofore belonged, were attached or incident to the said office, except so far as is specifically enacted by this Act, or so far as such rights, powers, authorities or privileges may be incompatible or inconsistent with the enactments herein contained, or any of the duties or obligations hereby imposed.

And be it further Enacted, That from and after the said First day of January One thousand eight hundred and Thirty-seven all acts, duties and services now and heretofore done, performed and rendered by the said Officers abolished by this Act, or any of them, in their respective offices in the said Courts, shall continue to be done performed and rendered by the Masters hereby appointed in each of those Courts, or their successors, or any One or more of them; and such acts, duties and services, when so done, performed and rendered by the said Masters, or their successors, or any One or more of them, shall be good and valid in law to all intents and purposes; and all lawful powers and authorities now and heretofore vested in or exercised by the Officers so abolished as aforesaid, or any of them, by virtue or in right of any office by them held in either of the said Courts, shall be and the same are hereby vested in and shall be exercised by the Masters of those Courts respectively to which the office belonged by virtue and in right of which such power or authority is now and had been heretofore vested in and exercised by such abolished officers; and all lawful fees and emoluments now and heretofore taken and received by the said Officers by this Act abolished, or any of them, in right of the offices which they now respectively hold in any of the said Courts, shall from and after the said First day of January One thousand eight hundred and Thirty-seven continue to be taken and received in each of those Courts respectively by the Masters thereof by this Act appointed, or their successors, or any one or more of them, to be by such Masters accounted for and appropriated in the manner and form hereinafter prescribed and pointed out.

5. Masters of the said Courts to perform all the Duties, and exercise all the Powers and Authorities, and receive all the Fees of the Officers abolished by this Act.

And be it further Enacted, That all the records, books, papers and documents of and concerning the duties and business of the several offices of the Courts of King's Bench, Common Pleas and Exchequer, so abolished as aforesaid, shall, on or before the said First day of January One thousand eight hundred and Thirty-seven, be delivered by the several officers of the said Courts respectively, now having the custody of the same, into the custody and possession of the Masters of the said Courts respectively appointed or to be appointed under or by virtue of this Act, to be by them kept and preserved; and searches may be made, and copies or extracts of and from the said records, books, papers

6. CLAUSE (B.) Records, &c. of abolished Offices transferred to the Masters, and Searches may be made, and Copies taken, as heretofore.

papers and documents, shall and may be had and taken at such times and in such manner as hath been the accustomed practice in the several offices hereby abolished ; and all such copies or extracts signed and authenticated by one or more of the said Masters of the said Courts respectively, shall be as available in evidence, and as valid and effectual to all intents and purposes as if the same had been signed, authenticated and given by the officers whose offices are hereby abolished, or any of them, subject nevertheless to such rules, orders and regulations as the said Courts shall or may from time to time make or ordain in respect of the same.

7.
 CLAUSE (C₆)
 Certain Officers hereby abolished to pay over to Masters under this Act all Balances in their hands of Suitors' money to be by such Masters paid into the Bank of England.

And be it further Enacted, That the Chief Clerk of the Court of King's Bench, the Prothonotaries of the Court of Common Pleas, and the Masters and Prothonotaries of the Court of Exchequer, whose offices are abolished by this Act, shall and they are hereby required, on or before the First day of January One thousand eight hundred and Thirty-seven, to pay over to the Masters of the said Courts respectively appointed by this Act, all and every sum and sums of money which shall at any time theretofore have been paid into the said respective Courts by or on the behalf of suitors to abide the event of any suit, or for any purpose whatsoever, and which shall then remain unclaimed and undisposed of in the hands and possession of the said Chief Clerk of the Court of King's Bench, or the said Prothonotaries of the Court of Common Pleas, or the said Masters and Prothonotaries of the Court of Exchequer ; and the said last-mentioned officers respectively shall, and they are hereby required, at the time of their paying over the said monies to the Masters of the said Courts respectively as aforesaid, to render to such Masters an account thereof, showing the precise amount paid into Court in each action, the names of the plaintiff and defendant, and of their attornies, and the time when, and by whom, and the purpose, so far as the same can be ascertained, for which the said amount was so paid in, which account the said Masters shall cause to be entered in books to be kept in their offices respectively for that purpose ; and the Masters of the said Courts respectively shall and they are hereby required, immediately after the receipt of such sum or sums of money, to pay the same into the Bank of *England* to an account to be opened by the Masters of the said Courts respectively in the books of the Governor and Company of that Bank, to be called the " Account of the Suitors' Fund of the Court of King's Bench, Common Pleas or Exchequer," as the case may be, which accounts respectively the Governor and Company of the Bank of *England* are hereby authorized and required to open in their books accordingly.

8.
 CLAUSE (D.)
 All Monies deposited in Court by Suitors, at or

And be it further Enacted, That from and after the said First day of January One thousand eight hundred and Thirty-seven, the Masters of the said Courts respectively shall cause all and every sum or sums of

of money paid into the said Courts, by or on the behalf of the suitors in either of those Courts, to abide the event of the suit, or for any other purpose whatsoever, to be entered in proper books to be kept for that purpose, and shall forthwith pay all and every such sum or sums of money into the Bank of *England*, to the credit of their respective accounts of the Suitors' Fund to be opened as aforesaid; and the Masters of the said Courts respectively, or any Two or more of them, shall and they are hereby authorized and required to draw on the said Governor and Company of the Bank of *England*, for any sum or sums of money so paid in as aforesaid, either at the commencement of this Act or afterwards, which the Masters of the said Courts respectively may require, for the purposes of any suit pending in their respective Courts; and the said Governor and Company of the Bank of *England* are hereby authorized and required to pay all such sums of money as may be so drawn for by any order signed by the Masters of the said Courts respectively, or any Two or more of them.

after the commencement of this Act, to be paid into the Bank of *England*, and drawn out by the order of Two or more of the Masters of each Court.

And be it further Enacted, That the Masters of the said Courts respectively shall and they are hereby required to render to the Commissioners of His Majesty's Treasury an account of the sums standing in the books kept in their office in the names of the several suitors of the said respective Courts, when and so often, and with such detail and particulars as the said Commissioners shall think proper to direct and require, and if upon the receipt of such account it shall appear to the said Commissioners of His Majesty's Treasury that any portion of the monies mentioned therein are not likely to be required for the purposes for which they were originally paid into the said Courts respectively, it shall and may be lawful to and for the said Commissioners of His Majesty's Treasury, or any Three or more of them, by their warrant, to require and direct the Masters of the said Courts respectively to pay over such portion of the said monies to the account of the Exchequer at the Bank of *England*, and the said monies so paid over by the Masters of the said Courts respectively shall be forthwith carried to and made part of the Consolidated Fund of the United Kingdom: Provided always, That it shall and may be lawful for the said Commissioners of His Majesty's Treasury, or any Three or more of them, and they are hereby required by their warrant, to direct the issue from the Consolidated Fund of the United Kingdom to the Masters of the said Courts respectively, of the whole or any part of the monies which shall from time to time be so carried to the credit of that Fund, as shall be directed to be paid to any person or persons whatsoever entitled thereto, by any rule or order issued by any one or more of the Judges of the said Courts for the time being.

9.
CLAUSE (E.)
Treasury empowered to direct the Surplus Suitors' Money to be paid into Consolidated Fund, and to be issued therefrom in the event of claim.

And be it further Enacted, That when and so often as any vacancy shall occur in any of the said offices of Master in either of the said Superior Courts of Common Law by death, resignation or otherwise, it

10.
Future Masters to be appointed by the Lord Chief Justices or the Lord

Chief Baron
of the said
Courts
respectively.

shall and may be lawful for the Lord Chief Justice or Lord Chief Baron of the Court in which such vacancy shall occur to nominate and appoint some fit and proper person to fill such vacant office; such person being a Barrister in actual practice of not less than Five years' standing at the Bar, or an admitted Attorney in all or any one of those Courts, in actual practice of not less than Five Years' standing on the rolls of such Court, or who shall have served as Clerks for not less than Five Years in either of the offices of the said Masters. 5

11.

The necessary Clerks and Messengers in the Master's Office to be appointed by the Masters, the number to be fixed by the Lord Chief Justices or Lord Chief Baron of the said Courts respectively; a preference being given to those persons who are now employed in the said Courts.

And be it further Enacted, That from and after the said First day of January One thousand eight hundred and Thirty-seven, the Masters of each of the said Courts hereby appointed, and their successors, shall and may, in and for the discharge of the duties of their offices, have so many Clerks and Messengers as the Lord Chief Justice or Lord Chief Baron of the Court for the time being to which such Masters respectively belong shall determine to be necessary and proper; and all such Clerks and Messengers shall and may be appointed by the majority of the Masters of the said Courts respectively, with the sanction and approval of the Lord Chief Justice or Lord Chief Baron of the Court to which such Masters shall belong: Provided always, That so many of the persons who now hold any office abolished by this Act, or are now employed therein, as may be needful, shall be appointed as such Clerks and Messengers if they shall be found competent to execute the duties required of them, in preference to any persons who shall not have held such abolished offices or been so employed prior to the passing of this Act. 10 15 20 25

12.

Appointments of Masters, Clerks and Messengers to be made without any pecuniary consideration, the Masters during good behaviour, and the Clerks and Messengers during pleasure, and duties to be conducted in such manner as the Judges may direct.

And be it further Enacted, That all such appointments of Masters, Clerks or Messengers to be made by virtue of this Act shall be so made by the Lord Chief Justice or Lord Chief Baron or by the Masters of the said Courts respectively, without any pecuniary or other consideration whatsoever, directly or indirectly, to be paid or received for the same; and the persons appointed or to be appointed as such Masters by virtue of this Act shall hold their offices during the good behaviour of the persons so appointed; and the persons to be appointed by virtue of this Act as such Clerks and Messengers shall hold their offices or situations during pleasure; and all such Masters, Clerks and Messengers shall execute their duties in person, and shall give their attendance in Court or elsewhere, and shall conduct the business of their several departments or offices at such hours and in every respect in such manner as the Lord Chief Justice or the Lord Chief Baron, and the other Justices and Barons of the said Courts respectively shall from time to time order and direct. 30 35 40

13.

In case of Sickness or other reasonable cause,

Provided always, and be it further Enacted, That if either of the said Masters shall from sickness or other unavoidable cause have occasion

the duties of
the Masters
may be per-
formed by
Deputy.

sion to be absent from the business of his office for a longer period than
Two Months at any one time, then and in every such case it shall and
may be lawful for the Lord Chief Justice or Lord Chief Baron for the
time being of the Court to which such Master shall belong, to give leave
5 of absence by his Order in writing to such Officer, and, if necessary, to
appoint a Deputy in his place during such time as shall be expressed
in such Order, and the name of such Deputy, and also the cause and
time of such absence, shall be stated in such Order; and such Deputy
may, if occasion require it, be changed by the Lord Chief Justice or
10 Lord Chief Baron; and every Deputy so appointed shall be paid by
the principal for whom he shall act such remuneration for his services
as the said Lord Chief Justice or Lord Chief Baron shall direct in
such Order, not being in any case less than One-third of the amount
hereinafter fixed, and settled as the salary of the office of a Master of
15 the said Courts respectively.

And be it further Enacted, That no person holding such office of
Master in any of the said Superior Courts, or being a Clerk or Mes-
senger in any of the said Master's offices, shall either directly or indirectly
act as a Barrister, Attorney or Solicitor, or as Agent of any Attorney
20 or Solicitor in any Court of Law or Equity in the United Kingdom,
either separately or in partnership with any other during such time as
he shall hold such office of Master, or act as such Clerk or Messenger.

14.
Masters,
Clerks and
Messengers
not to act as
Barristers,
Attornies or
Agents.

And be it further Enacted, That the Masters of the said Courts of
King's Bench, Common Pleas and Exchequer respectively, shall re-
ceive by way of salary for performing the duties of their respective offices
25 the sum of One thousand two hundred Pounds per annum, each to
commence and be computed from the First day of January One thousand
eight hundred and Thirty-seven, and to be paid and be payable quarterly,
namely, on the Thirty-first day of March, the Thirtieth day of June,
30 the Thirtieth day of September, and the Thirty-first day of December
in every year: Provided always, That those persons appointed by this
Act or who may be hereafter appointed as such Masters, and
who are now entitled to and are in the receipt of compensation
allowance awarded to them under the provisions of an Act passed in
35 the eleventh year of the reign of King GEORGE the Fourth, and the
first year of the reign of His present Majesty, intituled, "An Act for
regulating the Receipt and future Appropriation of Fees and Emolu-
ments receivable by Officers of the Superior Courts of Common Law,"
exceeding the salary of One thousand two hundred Pounds *per an-*
40 *num*, shall continue to receive the full amount of such compensation
allowance by way of salary so long as they shall respectively hold the
office of Master as aforesaid; and in cases wherein the compensation
allowance under the said Act is less than the salary hereby granted to
the Masters of the said Courts respectively, such compensation allow-
ance shall merge and be considered as part of and included in the

15.
Salaries of
the Masters
fixed.

said salary of One thousand two hundred Pounds *per annum* : Provided always, That nothing herein contained shall extend or be construed to extend to deprive *Stephen Richards, Kenrick Collett, Edmund Walker* and *George Chilton*, Esquires, four of the present principal officers on the Plea side of the Court of Exchequer, of the amount of official income and salary which they are now in the receipt of respectively, so long as they shall hold the office of Masters under this Act, but that the said persons shall continue in the enjoyment of the same official income and salary which they now respectively receive during all the time they respectively hold such offices of Masters under this Act. 5 10

16.
Salaries of
necessary
Clerks and
Messengers
to be fixed by
the Lord
Chief Justices
or Lord Chief
Baron of the
Courts respec-
tively, and
the Lords of
the Treasury.

And be it further Enacted, That the Clerks and Messengers who shall be appointed as hereinbefore directed to discharge the duties of the offices of the Masters of the said Courts respectively, shall receive by way of salary for the performance of the said duties, such annual sum as the Lord Chief Justice or the Lord Chief Baron of the said Courts respectively, and the Commissioners of His Majesty's Treasury, shall from time to time fix and determine, and such salaries shall commence and be computed from the said First day of January One thousand eight hundred and Thirty-seven, and shall be paid and payable quarterly, namely, on the Thirty-first day of March, the Thirtieth day of June, the Thirtieth day of September, and the Thirty-first day of December in every year : Provided always, That if any of the persons appointed as Clerks or Messengers under the provisions of this Act shall be entitled to and in the receipt of compensation allowance awarded to them under the hereinbefore recited Act, which shall exceed the amount of salary fixed and determined as aforesaid, such persons shall be entitled to and shall receive the full amount of such compensation allowance by way of salary so long as they shall respectively hold their offices or situations under this Act ; and in cases wherein such compensation allowance shall be less than the amount of salary so fixed and determined, the same shall merge and be considered as part of and included in the said salary. 15 20 25 30

17.
Salaries of
Masters, &c.
and Expenses
of Offices to
be paid out of
the Fees if
sufficient, but
if not, Defi-
ciency to be
charged upon
the Consoli-
dated Fund ;
and Surplus
of Fees to be
paid into that
Fund.

And be it further Enacted, That the salaries and compensation allowances by way of salary hereinbefore granted to the several Masters of the said Courts respectively ; and also the salaries and compensation allowances by way of salary which shall and may be granted to the several Clerks and Messengers in the offices of the Masters under the provisions of this Act, together with the necessary and unavoidable expenses of the said offices respectively, shall be paid and payable out of, and be charged and chargeable upon, the fees received by the Masters in the said Courts respectively, and the surplus of such fees arising in each of the said Courts, after the payment of the said salaries and expenses, shall be paid into the receipt of the Exchequer to the credit of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, at such times and in such manner as the Commissioners 35 40

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Commissioners of His Majesty's Treasury for the time being shall think proper to direct ; and in the event of the fees so received by the Masters of any one of the said Courts being at any time insufficient to defray the said salaries and other necessary expenses, it shall be lawful for the
 5 said Commissioners of His Majesty's Treasury, or any Three or more of them, and they are hereby authorized and required to direct the amount of such deficiency to be charged upon and paid out of the said Consolidated Fund.

And be it further Enacted, That if any Master of the said Courts
 10 respectively appointed, or to be appointed under or by virtue of this Act, or any person whatever employed in the offices of the said Masters, shall, for any thing done or pretended to be done relating to his office or employment, or under colour of doing any thing relating to his office or employment, or for forbearing to do any act properly
 15 appertaining to his said office, demand, take, receive or accept or allow any person whatsoever to take for him, or on his account, or for or on account of or in trust for him or any other person named by him, any gratuity, perquisite or reward, or any thing of value, other than the lawful fees and emoluments hereinbefore directed to be taken and
 20 received, and accounted for as aforesaid, or other than the salary or remuneration allowed or to be allowed to every such Master or person aforesaid, it shall be lawful for the said Lord Chief Justice or Lord Chief Baron of the Court to which such Master or person shall belong, and he is hereby empowered and required, upon his being satisfied
 25 that the person charged is guilty of so offending, to remove him from his office or employment ; and the person so removed shall be and is hereby rendered incapable for ever thereafter of holding any office, situation or employment in the said Courts respectively, or of otherwise serving His Majesty, His heirs or successors, in any manner what-
 30 soever.

18.
 CLAUSE (F.)
 Masters,
 Clerks and
 Messengers
 not to take
 gratuities on
 pain of dis-
 missal.

And be it further Enacted, That the Masters of the said Courts
 respectively shall cause all fees received by them, and all disburse-
 ments made thereout for salaries and other necessary expenses, to be
 duly and regularly entered in one or more books to be kept for that
 35 purpose in their offices, distinguishing the fees received under their several heads, and also the particulars and amount of every disbursement ; and shall quarterly, within One Month after the Thirty-first day of March, the Thirtieth day of June, the Thirtieth day of September, and the Thirty-first day of December in every year, render a true and
 40 faithful account in writing to the Commissioners of His Majesty's Treasury for the time being of all such fees and disbursements in such form of account, and with such particulars of receipt, or otherwise, and accompanied by such vouchers as the said Commissioners shall from time to time think proper to require and direct ; and if upon the exa-

19.
 Masters to
 keep Books
 of Account,
 and render
 Accounts
 quarterly to
 the Treasury.

mination of any such account it shall appear to the said Commissioners that any fees have not been duly accounted for, or that any unreasonable or improper charge or deduction has been made in such account, it shall be lawful for the said Commissioners finally to settle and adjust the same in such way as they may think reasonable and proper, and the Masters of the said Courts by whom such account shall have been rendered, shall and they are hereby required to alter and amend the said account accordingly: Provided always, That the Masters of the said Courts respectively shall submit their books of account to the inspection of the said Commissioners of His Majesty's Treasury, or any person or persons whom they may employ for that purpose, whenever the said Masters shall be required so to do.

20.
Allowance to
Masters and
other Officers
on their re-
tirement from
office.

And be it further Enacted, That every person appointed or to be appointed under the provisions of this Act as a Master of the said Courts respectively, or as a Clerk or Messenger in the offices of any of such Masters, and who was entitled to and has received compensation in respect of the office formerly held by him under the Act hereinbefore mentioned passed in the eleventh year of the reign of King GEORGE the Fourth, and the first year of the reign of His present Majesty, who shall hereafter resign his office or situation, with the sanction and under the authority of the Lord Chief Justice or Lord Chief Baron of the Court to which he shall belong, shall be entitled to receive, during his life, such annual sum as the Commissioners of His Majesty's Treasury shall think proper to fix and appoint, not exceeding in any case the net annual value of the office formerly held by him, as certified by the Commissioners under the said last-mentioned Act, and not being less in any case than Three-fourths thereof; and every person appointed or to be appointed to any situation as aforesaid under this Act, who was not entitled and has not received compensation in respect of any former office held by him under the provisions of the said Act, and who shall hereafter resign his office or situation in consequence of his being incapable from infirmity of mind or body to discharge the duties thereof, shall be entitled to receive such superannuation allowance as the said Commissioners of His Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the amount of such superannuation allowance, the said Commissioners shall take into consideration the whole period during which any such person shall have been permanently employed in any office or situation in either of the said Courts prior to the passing of this Act, and shall proceed according to the principles laid down by an Act passed in the fourth and fifth years of the reign of His present Majesty, intituled, "An Act to alter, amend and consolidate the Laws for regulating the Pensions, Compensations and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service;" and all such sums and allowances which shall be so awarded and granted

granted under the authority aforesaid shall be paid and payable and be charged and chargeable in the same way as is hereinbefore provided in respect of the salaries of the Masters, Clerks and Messengers of the said Courts respectively, and the necessary expenses of the said offices.

5 AND whereas it would tend to the despatch of business, and would assimilate the practice and promote uniformity in the allowance of Costs, if the Masters of the said Courts, appointed or to be appointed under this Act, were empowered to tax Costs which have arisen or may arise in each of the said Courts indiscriminately; BE it therefore
10 Enacted, That from and after the First day of January One thousand eight hundred and Thirty-seven the Masters of the said Courts, appointed or to be appointed as aforesaid, are hereby authorized, empowered and required to tax all Bills of Costs indiscriminately which shall have arisen or which may arise in cases of a civil
15 nature in any of the said Courts, or in the Court of Error in the Exchequer Chamber, although such Costs may not have arisen in respect of business done in the Court to which such Masters may belong; and the Judges of the said Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be
20 Three, shall and they are hereby required, by any rule or order to be from time to time made either in term or vacation, to establish such regulations as may be necessary for the purpose of enforcing uniformity of practice in the allowance of Costs in the Common Law Courts, and of ensuring, as far as may be practicable, an equal division of the
25 business of taxation amongst the Masters of the said Courts; and such Judges shall appoint some convenient place in which the said business of Taxation shall be transacted for all the said Courts.

21.
Masters empowered and required to tax Costs indiscriminately in the said Courts.

AND whereas by an Act passed in the sixth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to abolish
30 the Sale of Offices in the Court of King's Bench in *England*, to make Provision for the Lord Chief Justice of the said Court, and to grant an additional Annuity to the said Lord Chief Justice on resignation of his Office," it was declared, that the several offices of Clerk of the Rules on the Plea side, Clerk of the Papers on the Plea side, Clerk of the
35 Declarations, Clerk of the Common Bails, Estreats and Postes, and Clerk of the Dockets, all in the Court of King's Bench, were in the gift of the Chief Clerk of the said Court, and were saleable by him; and also that the offices of Clerks of the Inner and Outer Treasury, Clerks of Nisi Prius in *London* and other cities, and on the several
40 circuits, and Bagbearer on the Plea side also in the Court of King's Bench, were in the gift of the Custos Brevium of the said Court, and were saleable by him, and that it was expedient to abolish the sale of such offices, without prejudice however to the rights of any of the persons then holding the same, or having the right of appointment thereto: AND whereas by another Act passed in the sixth year of the

22.
CLAUSE (G.)
Treasury empowered to grant Compensation to certain Persons for the loss of the sale of, and appointment to, Offices abolished by this Act.
Chap. 82.

Chap. 83.

reign of his said late Majesty King GEORGE the Fourth, intituled,
 " An Act to abolish the Sale of Offices in the Court of Common Pleas
 in *England*, to make Prvision for the Lord Chief Justice of the said
 Court, and to grant an additional Annuity to the said Lord Chief Jus- 5
 tice on Resignation of his Office," it was declared, that the offices of
 Second Prothonotary and Clerk of the Juries were appointed by the
 Lord Chief Justice on the nomination of the Custos Brevium, and that
 each of the three Prothonotaries of the said Court had the appoint-
 ment of one Secondary, and such rights of appointments were con-
 tinued to the persons then in possession of the said offices of Custos 10
 Brevium and Prothonotaries respectively: AND whereas by another
 Act passed in the second and third years of the reign of His present
 Majesty, intituled, " An Act for the better Regulation of the Duties to
 be performed by the Officers on the Plea side of the Court of Exche-
 quer," it was enacted, that if any vacancy should occur in either of 15
 the three offices of Master and Prothonotary on the Plea side of the said
 Court of Exchequer, created by that Act, during the lifetime of
William Stewart Rose, Esquire, and whilst he should hold the office
 of Clerk of the Pleas of the said Court, the said *William Stewart Rose*
 should appoint a person to such vacancy, subject to the approbation 20
 of the Lord Chief Baron for the time being: AND whereas the persons
 who were so declared by the said recited Acts to be in possession of
 the right of sale, and appointment in and to the several offices men-
 tioned in the said Acts are still living: AND whereas by the operation
 of this Act the whole of the said offices will be abolished, and it is only 25
 just and reasonable that provision should be made for granting com-
 pensation, upon equitable principles, to such of the persons possessed
 of such rights as shall appear at any time hereafter upon due inquiry
 and investigation to be entitled thereto; BE it further Enacted, That
 in the event of any or either of the persons now holding the offices of 30
 Chief Clerk and of Custos Brevium of the Court of King's Bench, the
 offices of Custos Brevium and of Prothonotaries of the Court of
 Common Pleas, and the office of Clerk of the Pleas of the Court of
 Exchequer, surviving any or either of the parties now holding any or
 either of the offices before-mentioned, so declared as aforesaid to be in 35
 the gift and appointment respectively of the said Chief Clerk or Custos
 Brevium in the Court of King's Bench, the said Custos Brevium or
 Prothonotaries in the Court of Common Pleas, and the said Clerk
 of the Pleas in the Court of Exchequer, and to which he or they
 would have had the right of appointment if this Act had not been 40
 passed, it shall be lawful for him or them, at any time within Six
 calendar Months after the death of any or either of the parties now
 holding the offices to which such right of sale or appointment attaches,
 or would have attached, as aforesaid, to apply to the Lord High Trea-
 surer or the Commissioners of His Majesty's Treasury for compensa-
 tion for the loss of the sale of or appointment to the office formerly
 held by the party so dying; and in every such case the Lord High
 Treasurer

Treasurer or the Commissioners of His Majesty's Treasury shall examine into such application and claim by all and every such means as he or they shall think proper, and thereupon it shall be lawful for the said Lord High Treasurer, or any Three or more of the said Commissioners of His Majesty's Treasury, if he or they shall think that any or either of the said persons are entitled to compensation, to order and direct, by warrant under his or their hands, that such annual or other compensation shall be made to any or either of the persons who may be deemed entitled thereto, as the said Lord High Treasurer or the said Commissioners of His Majesty's Treasury shall upon full inquiry and in his or their discretion deem just and reasonable; and all such compensations, whether annual or in gross, shall be issued and paid and payable out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided always, That an account of all such compensations shall, within Fourteen Days next after the same shall have been granted as aforesaid, be laid before the Commons' House of Parliament, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the meeting of Parliament then next following: Provided also, That nothing herein contained abolishing the office of Custos Brevium in the Court of Common Pleas, shall extend or be construed to extend to alter or repeal or in any way to affect the provisions of an Act made and passed in the sixth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to authorize the Purchase of the Office of Receiver and Comptroller of the Seal of the Courts of King's Bench and Common Pleas, and of Custos Brevium of the Court of Common Pleas," but that such Act shall continue in full force and effect, notwithstanding the abolition of the said last-mentioned office.

Chap. 89.

AND whereas by the Act hereinbefore recited, passed in the eleventh year of the reign of King George the Fourth, and first year of the reign of His present Majesty, certain officers belonging to the Superior Courts of Common Law, who were appointed prior to the Twenty-fourth day of May One thousand eight hundred and Thirty, are entitled to receive compensation for any loss thereafter sustained by them in their fees and emoluments, in consequence of the amendments and alterations in the process, practice, pleadings and other proceedings of the said Courts: AND whereas by another Act passed in the first and second years of the reign of His present Majesty, to explain and amend the said Act, the Warden of the Fleet Prison was declared to be within the true intent and meaning of the said first-mentioned Statute; but no provision was made for the several persons holding the offices of Clerk of the Papers in the said Prison, and the Tipstaffs of the Court of Common Pleas, who were severally appointed to their offices by the said Warden prior to the said Twenty-fourth day of May One thousand eight hundred and Thirty: AND whereas the Clerk of

23.
CLAUSE (H.)
Treasury empowered to grant Compensation to certain Officers of the Court of Common Pleas who were in office prior to 24 May 1830.
Chap. 58.

Chap. 35.

the Papers at the King's Bench Prison, and the Tipstaffs of the Court of King's Bench, have been and now are compensated under the provisions of the said first recited Act, and it is only just and reasonable that the same description of officers in the Court of Common Pleas, whose duties and emoluments are similar in their nature to those attached to the Court of King's Bench should be placed upon the same footing; BE it therefore Enacted, That the Lords Commissioners of His Majesty's Treasury shall ascertain the gross and net annual value of the offices of the said Clerk of the Papers at the Fleet Prison, and the Tipstaffs of the Court of Common Pleas respectively, according to a fair average of the lawful fees and emoluments of such offices, for a period of Ten Years next, preceding the Twenty-fourth day of May One thousand eight hundred and Thirty, and according to the same rules and principles as were adopted by certain Commissioners in ascertaining the value of other offices in the Superior Courts of Common Law, under the provisions of the said recited Acts, and in case the net amount of the fees and emoluments actually received by either of the said officers, has in any year since the the said Twenty-fourth day of May One thousand eight hundred and Thirty, fallen short or shall hereafter fall short of the net annual value of their offices as aforesaid, every such officer shall be entitled to receive, from and after the said Twenty-fourth day of May, and so long as he or they shall continue in office, from the Lord High Treasurer or Commissioners of His Majesty's Treasury, the full amount of the difference between the net sum actually received by such officer, and the net value of his office; and the amount so to be paid shall be charged and chargeable, and be paid and payable out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* in the same way as other officers belonging to the Superior Courts of Common Law are now paid; and in case the net amount of the lawful fees and emoluments actually received by either of the said officers in any year since the said Twenty-fourth day of May has exceeded, or shall hereafter exceed, the net annual value of their offices ascertained as aforesaid, the surplus shall be paid into the receipt of the Exchequer to the credit of the said Consolidated Fund at such times and in such manner as the said Commissioners of His Majesty's Treasury shall think proper to direct.

24.

CLAUSE (I.)
Persons whose
Offices are
abolished to
receive full
amount of
Compensa-
tion under 11
Geo. 4. and
1 Will. 4,
c. 58, until
the Treasury
shall other-
wise deter-
mine under
the Provisions
of that Act.

And be it further Enacted, That the provisions and powers contained in the before recited Act passed in the eleventh year of the reign King GEORGE the Fourth, and the first year of the reign of His present Majesty, intituled, "An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law," shall, so far as the same is applicable, extend to all cases in which any office shall be abolished by the authority of this or any subsequent Act, and the person, his heirs, executors or administrators, who, in case such office were not abolished, would, under the provisions

provisions of the last recited Act, have been entitled to receive the difference between the net amount of the fees and emoluments which would have become due in such office, and the certified value thereof, shall be entitled, from the time of the abolition of such office to receive
 5 the full amount of such certified value in four equal quarterly payments on the Fifth days of April, July and January, and the Tenth day of October in each year, to be paid and payable out of the Consolidated Fund of the United Kingdom without any fee or deduction whatsoever until such other arrangement for his compensation, in consequence
 10 of such person being by the abolition of his office relieved from further duties, attendance and responsibility, shall have been made under the powers and provisions of the said recited Act, and when such other arrangement shall have been so made, the annual sum which shall be thereby fixed and appointed for such abolished office shall be, in like
 15 manner a charge upon, and shall be paid out of the said Consolidated Fund, without any fee or deduction whatever, together with a proportional part of such annual sum for the time which at the decease of the person entitled thereto shall have elapsed since the last payment thereof.

20 AND whereas by an Act passed in the seventh year of the reign of her late Majesty Queen ANNE, intituled, "An Act for the Public Registering of Deeds, Conveyances and Wills and other Incumbrances which shall be made of or shall affect any Honors, Manors, Lands, Tenements or Hereditaments within the County of *Middlesex*, after the
 25 Twenty-ninth day of September One thousand seven hundred and Nine," and by another Act passed in the twenty-fifth year of the reign of his Majesty King GEORGE the Second, intituled, "An Act for appointing the Deputy or Secondary of the Chief Clerk to enrol Pleas in the King's Bench, called the Master of the King's Bench Office, one of the
 30 Registers or Masters for the Inrolment of Deeds, Wills and other conveyances in the County of *Middlesex*, in the place and stead of such Chief Clerk," it is provided, that the Clerk of the Warrants in the Court of Common Pleas, and the Master or Secondary of the Court of King's Bench for the time being, shall be two of the officers for executing the
 35 duties of Registers and Masters for the matters and things in the said first recited Act contained: AND whereas the said offices of Clerk of the Warrants in the Court of Common Pleas and the Master or Secondary of the Court of King's Bench will be abolished by this Act, and doubts may arise whether those officers can any longer continue
 40 legally to execute the duties of such Registers and Masters as aforesaid, BE it therefore Enacted, That nothing in this Act contained shall extend or be construed to extend to abolish the office of Registers or Masters for the inrolment of Deeds, Wills and other conveyances in the county of *Middlesex*, or for any other matters or things in the said first recited Act contained, or to deprive any of the persons now holding

25.
 CLAUSE (K.)
 Clerk of the
 Warrants in
 Court of Common Pleas and
 Master or
 Secondary of
 the Court of
 King's Bench
 continued in
 the Office of
 Registers of
 Deeds in
Middlesex,
 notwithstanding
 the
 abolition of
 their Offices in
 the Courts of
 Law.

such office of Registers or Masters of that office, and that such persons shall and may henceforth, and until otherwise provided for by law, continue to hold and enjoy such office and execute all the powers and duties appertaining thereto in the same manner to all intents and purposes as if this Act had not been passed; and if the Clerk of the Warrants in the Court of Common Pleas, or the Master or Secondary of the Court of King's Bench abolished by this Act, and who now hold the office of such Registers or Masters as aforesaid, shall die or resign, or otherwise be discharged from the office of Registers or Masters, it shall be lawful for the Lords Chief Justices of the Courts of King's Bench and Common Pleas for the time being, until otherwise directed by Parliament, to nominate and appoint some fit and proper person to fill the office of such Register or Master, such person being a Barrister or being an Attorney in any one of the Superior Courts of Common Law at *Westminster*, in actual practice of not less than Five Years' standing on the Rolls of such Court, in the place or stead of the person so dying, resigning or being discharged from such office; and the person so nominated and appointed by the Lords Chief Justices as aforesaid, shall, previously to his entering upon or executing such office, take such oath or oaths, and afterwards execute such office, and the powers and duties appertaining thereto, in the same manner to all intents and purposes as the persons executing the same would by law be required and authorized to take and execute if this Act had not been passed.

26.
Act may be
altered this
Session.

And be it further Enacted, That this Act may be amended, altered or repealed during the present Session.

SCHEDULES

TO WHICH THE FOREGOING ACT REFERS.

SCHEDULE (A.)

OFFICES abolished by this Act from and after the First day of January One thousand eight hundred and Thirty-seven.

On the Plea side of the Court of King's Bench :

The Office of the Chief Clerk.

Secondary, or Master of the King's Bench Office.

Clerk of the Rules.

Clerk of the Papers.

Clerk of the Docquets and Judgments.

Signer of the Writs.

Clerk of the Declarations.

Clerk of the Common Bails, or Appearances.

Estreats and Posteads.

Custos Brevium et Recordorum.

Clerk of the Inner and Upper Treasuries.

Clerk of the Outer Treasury.

Clerks of Nisi Prius for *London, Middlesex*, and the several Circuits in *England* and *Wales*.

Bagbearer to the Custos Brevium.

Clerk of the Errors.

Filacer, Exigenter, and Clerk of the Outlawries.

In the Court of Common Pleas :

The Office of the Custos Brevium.

Prothonotaries.

Secondaries.

Clerk of the Judgments.

Clerk of the Reversals of Outlawries.

Clerk of the Docquets.

Clerk of the Warrants, Enrolments and Estreats.

Clerk of the Essoigns.

Clerk of the Treasury.

Clerk of the Jurata.

Treasury Keeper.

In the Court of Common Pleas—*continued.*

The Office of the Clerk of the Juries.
Clerk of the Errors.
Filacers for the several Counties, Cities, and Towns
in *England* and *Wales*.
Exigenter and Clerk of the Supersedeas.
Clerk of the Outlawries.

On the Plea side of the Court of Exchequer :

The Office of the Masters and Prothonotaries.
Clerk of the Rules.
Filacer.
Clerk of the Errors.
Clerk of the Pleas.

SCHEDULE (B.)

PERSONS appointed by this ACT as the MASTERS of the SUPERIOR
COURTS of COMMON LAW.

The Five Masters on the Plea side of the Court of King's Bench,
namely,—

Thomas Le Blanc, Esquire.
Fortunatus Dwaris, Esquire.
Sir Archer Denman Croft, Baronet.
Richard Goodrich, Esquire.
James Bunce, Esquire.

The Five Masters of the Court of Common Pleas, namely,—

Henry Belward Ray, Esquire.
Alexander Atherton Park, Esquire.
John Henry Cancellor, Esquire.
Edward Griffiths, Esquire.
Edward Robert Porter, Esquire.

The Five Masters on the Plea side of the Court of Exchequer,
namely,—

Edmund Walker, Esquire.
Kenrick Collett, Esquire.
Thomas Dax, Esquire.
Stephen Richards, Esquire.
George Chilton, Esquire.

Common Law Courts.

A

B I L L

[AS AMENDED ON RE-COMMITMENT]

To abolish certain Offices in the Superior
Courts of Common Law, and to make
Provision for a more effective and uniform
Establishment of Officers in those Courts.

(Prepared and brought in by
*Mr. Sergeant Goulburn, Mr. Presfield and
Mr. Aglionby.*)

*Ordered, by The House of Commons, to be Printed,
21 July 1836.*

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A

B I L L

[AS AMENDED ON THE SECOND RE-COMMITMENT]

To abolish certain Offices in the Superior Courts of Common Law, and to make Provision for a more effective and uniform Establishment of Officers in those Courts.

[Note.—The Clauses marked (A.) to (K.) were added by the Committee; and the Clause marked (L.) was added on the Re-commitment.]

WHEREAS in His Majesty's Superior Courts of Common Preamble.
Law at *Westminster*, there are many Officers whose duties have wholly or in part ceased, or are executed by Deputy, and whose offices have become by changes in the law useless, and inapplicable to the present practice and proceedings in those Courts: And whereas by an Act passed in the eleventh year of the reign of King GEORGE the Fourth, and the first year of the reign of His present Majesty, intituled, "An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law," the net annual value of certain of such offices has been ascertained, and the persons who were the holders thereof prior to the Twenty-fourth day of May One thousand eight hundred and Thirty are compensated in manner and form by that Statute pointed out: And whereas the continuance of sinecure and useless offices tends to impair the effective administration of justice, and to cast upon the public and the suitors in those Courts unnecessary burthens and costs; and it is expedient to abolish the said offices, and to make provision for a more uniform and effective Establishment of Officers in each of the Superior Courts of Common Law; **BE it therefore Enacted,** by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, 506.

A

THAT

1.
Certain
Offices in
the Courts of
King's Bench,
Common
Pleas and
Exchequer
abolished.

THAT from and after the First day of January One thousand eight hundred and Thirty-seven the offices mentioned in the Schedule to this Act annexed, marked (A.), on the Plea side of the Courts of King's Bench and Exchequer, and in the Court of Common Pleas, shall be and the same are hereby abolished.

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2.
CLAUSE (A.)
Clerk of Errors
in the Court of
Exchequer
Chamber
abolished.

AND whereas the duties of the Clerk of Errors in the Court of Exchequer Chamber are so much diminished as to render it inexpedient any longer to continue a separate office for the performance thereof; BE it further Enacted, That from and after the First day of January One thousand eight hundred and Thirty-seven, the said office of Clerk of the Errors in the Court of Exchequer Chamber shall be and the same is hereby abolished, and all acts, duties and services now and heretofore done, performed and rendered by the said officer, shall continue to be done, performed and rendered by the Masters on the Plea side of the Court of Exchequer hereby appointed, or their successors, or any one or more of them, and such acts, duties and services, when so done, performed and rendered by the said Masters or their successors, or any one or more of them, shall be good and valid in law to all intents and purposes; and all lawful powers and authorities now and heretofore vested in or exercised by the said Clerk of Errors in the Court of Exchequer Chamber, by virtue or in right of his office, shall be exercised by the said Masters on the Plea side of the Court of Exchequer, and all lawful fees and emoluments now and heretofore taken and received by the said Clerk of Errors in the Court of Exchequer Chamber, in right of his office, shall, from and after the said First day of January One thousand eight hundred and Thirty-seven, continue to be taken and received by the Masters on the Plea side of the Court of Exchequer appointed by this Act, or their successors, or any one or more of them, to be by such Masters accounted for and appropriated in the manner and form hereinafter provided for.

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3.
Certain Per-
sons appointed
as Masters
or Principal
Officers of the
said Courts,
in lieu of the
Officers
abolished.

And be it further Enacted, That from and after the said First day of January One thousand eight hundred and Thirty-seven there shall be in each of the said Courts respectively, to conduct the civil business thereof, the following number of Principal Officers and no more, to be called respectively the Masters of each of the said Courts; (that is to say) on the Plea side of the Court of King's Bench there shall be Five such Principal Officers; in the Court of Common Pleas Five such Principal Officers, and on the Plea side of the Court of Exchequer Five such Principal Officers; and the persons mentioned in the Schedule to this Act annexed, marked (B.) shall be and the same are hereby appointed and declared to be such Masters in each of the said Courts respectively.

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4.
CLAUSE (L.)

Provided always, and it is hereby further Declared and Enacted, That *Henry Belward Ray*, esquire, shall hold and enjoy the said appointment or office of first Master of the Court of Common Pleas during the

the

the same term, and with and under and subject to the same estate, title and tenure as he heretofore held the office of Prothonotary of the Court of Common Pleas, and with all and every the incidents, rights, powers, authorities and privileges which heretofore belonged, were attached or incident to the said office, except so far as is specifically enacted by this Act, or so far as such rights, powers, authorities or privileges may be incompatible or inconsistent with the enactments herein contained, or any of the duties or obligations hereby imposed.

And be it further Enacted, That from and after the said First day of January One thousand eight hundred and Thirty-seven all acts, duties and services now and heretofore done, performed and rendered by the said Officers abolished by this Act, or any of them, in their respective offices in the said Courts, shall continue to be done performed and rendered by the Masters hereby appointed in each of those Courts, or their successors, or any One or more of them; and such acts, duties and services, when so done, performed and rendered by the said Masters, or their successors, or any One or more of them, shall be good and valid in law to all intents and purposes; and all lawful powers and authorities now and heretofore vested in or exercised by the Officers so abolished as aforesaid, or any of them, by virtue or in right of any office by them held in either of the said Courts, shall be and the same are hereby vested in and shall be exercised by the Masters of those Courts respectively to which the office belonged by virtue and in right of which such power or authority is now and had been heretofore vested in and exercised by such abolished officers; and all lawful fees and emoluments now and heretofore taken and received by the said Officers by this Act abolished, or any of them, in right of the offices which they now respectively hold in any of the said Courts, shall from and after the said First day of January One thousand eight hundred and Thirty-seven continue to be taken and received in each of those Courts respectively by the Masters thereof by this Act appointed, or their successors, or any one or more of them, to be by such Masters accounted for and appropriated in the manner and form hereinafter prescribed and pointed out.

5.
Masters of the said Courts to perform all the Duties, and exercise all the Powers and Authorities, and receive all the Fees of the Officers abolished by this Act.

And be it further Enacted, That all the records, books, papers and documents of and concerning the duties and business of the several offices of the Courts of King's Bench, Common Pleas and Exchequer, so abolished as aforesaid, shall, on or before the said First day of January One thousand eight hundred and Thirty-seven, be delivered by the several officers of the said Courts respectively, now having the custody of the same, into the custody and possession of the Masters of the said Courts respectively appointed or to be appointed under or by virtue of this Act, to be by them kept and preserved; and searches may be made, and copies or extracts of and from the said records, books,

6.
CLAUSE (B.)
Records, &c. of abolished Offices transferred to the Masters, and Searches may be made, and Copies taken, as heretofore.

papers and documents; shall and may be had and taken at such times and in such manner as hath been the accustomed practice in the several offices hereby abolished; and all such copies or extracts signed and authenticated by one or more of the said Masters of the said Courts respectively, shall be as available in evidence, and as valid and effectual to all intents and purposes as if the same had been signed, authenticated and given by the officers whose offices are hereby abolished, or any of them, subject nevertheless to such rules, orders and regulations as the said Courts shall or may from time to time make or ordain in respect of the same.

7.
 CLAUSE (C.)
 Certain Officers hereby abolished to pay over to Masters under this Act all Balances in their hands of Suitors' money to be by such Masters paid into the Bank of England.

And be it further Enacted, That the Chief Clerk of the Court of King's Bench, the Prothonotaries of the Court of Common Pleas, and the Masters and Prothonotaries of the Court of Exchequer, whose offices are abolished by this Act, shall and they are hereby required, on or before the First day of January One thousand eight hundred and Thirty-seven, to pay over to the Masters of the said Courts respectively appointed by this Act, all and every sum and sums of money which shall at any time theretofore have been paid into the said respective Courts by or on the behalf of suitors to abide the event of any suit, or for any purpose whatsoever, and which shall then remain unclaimed and undisposed of in the hands and possession of the said Chief Clerk of the Court of King's Bench, or the said Prothonotaries of the Court of Common Pleas, or the said Masters and Prothonotaries of the Court of Exchequer; and the said last-mentioned officers respectively shall, and they are hereby required, at the time of their paying over the said monies to the Masters of the said Courts respectively as aforesaid, to render to such Masters an account thereof, showing the precise amount paid into Court in each action, the names of the plaintiff and defendant, and of their attornies, and the time when, and by whom, and the purpose, so far as the same can be ascertained, for which the said amount was so paid in, which account the said Masters shall cause to be entered in books to be kept in their offices respectively for that purpose; and the Masters of the said Courts respectively shall and they are hereby required, immediately after the receipt of such sum or sums of money, to pay the same into the Bank of *England* to an account to be opened by the Masters of the said Courts respectively in the books of the Governor and Company of that Bank, to be called the "Account of the Suitors' Fund of the Court of King's Bench, Common Pleas or Exchequer," as the case may be, which accounts respectively the Governor and Company of the Bank of *England* are hereby authorized and required to open in their books accordingly.

8.
 CLAUSE (D.)
 All Monies deposited in Court by Suitors, at or

And be it further Enacted, That from and after the said First day of January One thousand eight hundred and Thirty-seven, the Masters of the said Courts respectively shall cause all and every sum or sums of

of money paid into the said Courts, by or on the behalf of the suitors in either of those Courts, to abide the event of the suit, or for any other purpose whatsoever, to be entered in proper books to be kept for that purpose, and shall forthwith pay all and every such sum or sums of money into the Bank of *England*, to the credit of their respective accounts of the Suitors' Fund to be opened as aforesaid; and the Masters of the said Courts respectively, or any Two or more of them, shall and they are hereby authorized and required to draw on the said Governor and Company of the Bank of *England*, for any sum or sums of money so paid in as aforesaid, either at the commencement of this Act or afterwards, which the Masters of the said Courts respectively may require, for the purposes of any suit pending in their respective Courts; and the said Governor and Company of the Bank of *England* are hereby authorized and required to pay all such sums of money as may be so drawn for by any order signed by the Masters of the said Courts respectively, or any Two or more of them.

after the commencement of this Act, to be paid into the Bank of *England*, and drawn out by the order of Two or more of the Masters of each Court.

And be it further Enacted, That the Masters of the said Courts respectively shall and they are hereby required to render to the Commissioners of His Majesty's Treasury an account of the sums standing in the books kept in their office in the names of the several suitors of the said respective Courts, when and so often, and with such detail and particulars as the said Commissioners shall think proper to direct and require, and if upon the receipt of such account it shall appear to the said Commissioners of His Majesty's Treasury that any portion of the monies mentioned therein are not likely to be required for the purposes for which they were originally paid into the said Courts respectively, it shall and may be lawful to and for the said Commissioners of His Majesty's Treasury, or any Three or more of them, by their warrant, to require and direct the Masters of the said Courts respectively to pay over such portion of the said monies to the account of the Exchequer at the Bank of *England*, and the said monies so paid over by the Masters of the said Courts respectively shall be forthwith carried to and made part of the Consolidated Fund of the United Kingdom: Provided always, That it shall and may be lawful for the said Commissioners of His Majesty's Treasury, or any Three or more of them, and they are hereby required by their warrant, to direct the issue from the Consolidated Fund of the United Kingdom to the Masters of the said Courts respectively, of the whole or any part of the monies which shall from time to time be so carried to the credit of that Fund, as shall be directed to be paid to any person or persons whatsoever entitled thereto, by any rule or order issued by any one or more of the Judges of the said Courts for the time being.

9.
CLAUSE (E.)
Treasury empowered to direct the Surplus Suitors' Money to be paid into Consolidated Fund, and to be issued therefrom in the event of claim.

And be it further Enacted, That when and so often as any vacancy shall occur in any of the said offices of Master in either of the said Superior Courts of Common Law by death, resignation or otherwise, it shall

10.
Future Masters to be appointed by the Lord Chief Justices or the Lord

Chief Baron
of the said
Courts
respectively.

shall and may be lawful for the Lord Chief Justice or Lord Chief Baron of the Court in which such vacancy shall occur to nominate and appoint some fit and proper person to fill such vacant office; such person being a Barrister in actual practice of not less than Five Years' standing at the Bar, or who shall have practised as a Pleader for not less than Five Years; or an admitted Attorney in all or any one of those Courts, in actual practice of not less than Five Years' standing on the rolls of such Court, or who shall have served as Clerks for not less than Five Years in either of the offices of the said Masters: Provided always, That nothing herein contained shall extend or be construed to extend to affect the rights of appointment of certain of the Masters on the Plea side of the Court of Exchequer, now vested in *William Stewart Rose*, Esquire, under and by virtue of an Act passed in the second and third years of the reign of His present Majesty, intituled, "An Act for the better Regulation of the Duties to be performed by the Officers on the Plea Side of the Court of Exchequer."

11.

The necessary Clerks and Messengers in the Master's Office to be appointed by the Masters, the number to be fixed by the Lord Chief Justices or Lord Chief Baron of the said Courts respectively; a preference being given to those persons who are now employed in the said Courts.

And be it further Enacted, That from and after the said First day of January One thousand eight hundred and Thirty-seven, the Masters of each of the said Courts hereby appointed, and their successors, shall and may, in and for the discharge of the duties of their offices, have so many Clerks and Messengers as the Lord Chief Justice or Lord Chief Baron of the Court for the time being to which such Masters respectively belong shall determine to be necessary and proper; and all such Clerks and Messengers shall and may be appointed by the majority of the Masters of the said Courts respectively, with the sanction and approval of the Lord Chief Justice or Lord Chief Baron of the Court to which such Masters shall belong: Provided always, That so many of the persons who now hold any office abolished by this Act, or are now employed therein, as may be needful, shall be appointed as such Clerks and Messengers if they shall be found competent to execute the duties required of them, in preference to any persons who shall not have held such abolished offices or been so employed prior to the passing of this Act.

12.

Appointments of Masters, Clerks and Messengers to be made without any pecuniary consideration, the Masters during good behaviour, and the Clerks and Messengers during pleasure, and duties to be conducted in such manner as the Judges may direct.

And be it further Enacted, That all such appointments of Masters, Clerks or Messengers to be made by virtue of this Act shall be so made by the Lord Chief Justice or Lord Chief Baron or by the Masters of the said Courts respectively without any pecuniary or other consideration whatsoever, directly or indirectly, to be paid or received for the same; and the persons appointed or to be appointed as such Masters by virtue of this Act shall hold their offices during the good behaviour of the persons so appointed; and the persons to be appointed by virtue of this Act as such Clerks and Messengers shall hold their offices or situations during pleasure; and all such Masters, Clerks and Messengers

Messengers shall execute their duties in person, and shall give their attendance in Court or elsewhere, and shall conduct the business of their several departments or offices at such hours and in every respect in such manner as the Lord Chief Justice or the Lord Chief Baron, and the other Justices and Barons of the said Courts respectively shall from time to time order and direct.

Provided always, and be it further Enacted, That if either of the said Masters shall from sickness or other unavoidable cause have occasion to be absent from the business of his office for a longer period than Two Months at any one time, then and in every such case it shall and may be lawful for the Lord Chief Justice or Lord Chief Baron for the time being of the Court to which such Master shall belong, to give leave of absence by his Order in writing to such Officer, and, if necessary, to appoint a Deputy in his place during such time as shall be expressed in such Order, and the name of such Deputy, and also the cause and time of such absence, shall be stated in such Order; and such Deputy may, if occasion require it, be changed by the Lord Chief Justice or Lord Chief Baron; and every Deputy so appointed shall be paid by the principal for whom he shall act such remuneration for his services as the said Lord Chief Justice or Lord Chief Baron shall direct in such Order, not being in any case less than One-third of the amount hereinafter fixed, and settled as the salary of the office of a Master of the said Courts respectively.

13.
In case of Sickness or other reasonable cause, the duties of the Masters may be performed by Deputy.

And be it further Enacted, That no person holding such office of Master in any of the said Superior Courts, or being a Clerk or Messenger in any of the said Master's offices, shall either directly or indirectly act as a Barrister, Attorney or Solicitor, or as Agent of any Attorney or Solicitor in any Court of Law or Equity in the United Kingdom, either separately or in partnership with any other during such time as he shall hold such office of Master, or act as such Clerk or Messenger.

14.
Masters, Clerks and Messengers not to act as Barristers, Attornies or Agents.

And be it further Enacted, That the Masters of the said Courts of King's Bench, Common Pleas and Exchequer respectively, shall receive by way of salary for performing the duties of their respective offices the sum of One thousand two hundred Pounds per annum, each to commence and be computed from the First day of January One thousand eight hundred and Thirty-seven, and to be paid and be payable quarterly, namely, on the Thirty-first day of March, the Thirtieth day of June, the Thirtieth day of September, and the Thirty-first day of December in every year: Provided always, That those persons appointed by this Act or who may be hereafter appointed as such Masters, and who are now entitled to and are in the receipt of compensation allowance awarded to them under the provisions of an Act passed in the eleventh year of the reign of King GEORGE the Fourth, and the first year of the reign of His present Majesty, intituled, "An Act for regulating the Receipt and future Appropriation of Fees and Emolu-

15.
Salaries of the Masters fixed.

ments receivable by Officers of the Superior Courts of Common Law," exceeding the salary of One thousand two hundred Pounds *per annum*, shall continue to receive the full amount of such compensation allowance by way of salary so long as they shall respectively hold the office of Master as aforesaid; and in cases wherein the compensation allowance under the said Act is less than the salary hereby granted to the Masters of the said Courts respectively, such compensation allowance shall merge and be considered as part of and included in the said salary of One thousand two hundred Pounds *per annum*: Provided always, That nothing herein contained shall extend or be construed to extend to deprive *Stephen Richards, Kenrick Collett, Thomas Dax, Edmund Walker* and *George Chilton*, Esquires, the present principal officers on the Plea side of the Court of Exchequer, of the amount of official income and salary which they are now in the receipt of respectively, so long as they shall hold the office of Masters under this Act, but that the said persons shall continue in the enjoyment of the same official income and salary which they now respectively receive during all the time they respectively hold such offices of Masters under this Act.

16.

Salaries of necessary Clerks and Messengers to be fixed by the Lord Chief Justices or Lord Chief Baron of the Courts respectively, and the Lords of the Treasury.

And be it further Enacted, That the Clerks and Messengers who shall be appointed as hereinbefore directed to discharge the duties of the offices of the Masters of the said Courts respectively, shall receive by way of salary for the performance of the said duties, such annual sum as the Lord Chief Justice or the Lord Chief Baron of the said Courts respectively, and the Commissioners of His Majesty's Treasury, shall from time to time fix and determine, and such salaries shall commence and be computed from the said First day of January One thousand eight hundred and Thirty-seven, and shall be paid and payable quarterly, namely, on the Thirty-first day of March, the Thirtieth day of June, the Thirtieth day of September, and the Thirty-first day of December in every year: Provided always, That if any of the persons appointed as Clerks or Messengers under the provisions of this Act shall be entitled to and in the receipt of compensation allowance awarded to them under the hereinbefore recited Act, which shall exceed the amount of salary fixed and determined as aforesaid, such persons shall be entitled to and shall receive the full amount of such compensation allowance by way of salary so long as they shall respectively hold their offices or situations under this Act; and in cases wherein such compensation allowance shall be less than the amount of salary so fixed and determined, the same shall merge and be considered as part of and included in the said salary.

17.

Salaries of Masters, &c. and Expenses of Offices to be paid out of the Fees if sufficient, but if not, Deficiency to be charged upon the Consoli-

And be it further Enacted, That the salaries and compensation allowances by way of salary hereinbefore granted to the several Masters of the said Courts respectively; and also the salaries and compensation allowances by way of salary which shall and may be granted to the several Clerks and Messengers in the offices of the Masters

Masters under the provisions of this Act, together with the necessary and unavoidable expenses of the said offices respectively, shall be paid and payable out of, and be charged and chargeable upon, the fees received by the Masters in the said Courts respectively, and the surplus
 5 of such fees arising in each of the said Courts, after the payment of the said salaries and expenses, shall be paid into the receipt of the Exchequer to the credit of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, at such times and in such manner as the Commissioners of His Majesty's Treasury for the time being shall think
 10 proper to direct; and in the event of the fees so received by the Masters of any one of the said Courts being at any time insufficient to defray the said salaries and other necessary expenses, it shall be lawful for the said Commissioners of His Majesty's Treasury, or any Three or more of them, and they are hereby authorized and required to direct the
 15 amount of such deficiency to be charged upon and paid out of the said Consolidated Fund.

dated Fund, and Surplus of Fees to be paid into that Fund.

And be it further Enacted, That if any Master of the said Courts respectively appointed, or to be appointed under or by virtue of this Act, or any person whatever employed in the offices of the said
 20 Masters, shall, for any thing done or pretended to be done relating to his office or employment, or under colour of doing any thing relating to his office or employment, or for forbearing to do any act properly appertaining to his said office, demand, take, receive or accept or allow any person whatsoever to take for him, or on his account, or for or
 25 on account of or in trust for him or any other person named by him, any gratuity, perquisite or reward, or any thing of value, other than the lawful fees and emoluments hereinbefore directed to be taken and received, and accounted for as aforesaid, or other than the salary or remuneration allowed or to be allowed to every such Master or person
 30 aforesaid, it shall be lawful for the said Lord Chief Justice or Lord Chief Baron of the Court to which such Master or person shall belong, and he is hereby empowered and required, upon his being satisfied that the person charged is guilty of so offending, to remove him from his office or employment; and the person so removed shall be and is
 35 hereby rendered incapable for ever thereafter of holding any office, situation or employment in the said Courts respectively, or of otherwise serving His Majesty, His heirs or successors, in any manner whatsoever.

18.
 CLAUSE (F.)
 Masters, Clerks and Messengers not to take gratuities on pain of dismissal.

And be it further Enacted, That the Masters of the said Courts
 40 respectively shall cause all fees received by them, and all disbursements made thereout for salaries and other necessary expenses, to be duly and regularly entered in one or more books to be kept for that purpose in their offices, distinguishing the fees received under their several heads, and also the particulars and amount of every disbursement;

19.
 Masters to keep Books of Account, and render Accounts quarterly to Treasury.

and shall quarterly, within One Month after the Thirty-first day of March, the Thirtieth day of June, the Thirtieth day of September, and the Thirty-first day of December in every year, render a true and faithful account in writing to the Commissioners of His Majesty's Treasury for the time being of all such fees and disbursements in such form of account, and with such particulars of receipt, or otherwise, and accompanied by such vouchers as the said Commissioners shall from time to time think proper to require and direct; and if upon the examination of any such account it shall appear to the said Commissioners that any fees have not been duly accounted for, or that any unreasonable or improper charge or deduction has been made in such account, it shall be lawful for the said Commissioners finally to settle and adjust the same in such way as they may think reasonable and proper, and the Masters of the said Courts by whom such account shall have been rendered, shall and they are hereby required to alter and amend the said account accordingly: Provided always, That the Masters of the said Courts respectively shall submit their books of account to the inspection of the said Commissioners of His Majesty's Treasury, or any person or persons whom they may employ for that purpose, whenever the said Masters shall be required so to do.

20.

Allowance to
Masters and
other Officers
on their re-
tirement from
office.

And be it further Enacted, That every person appointed or to be appointed under the provisions of this Act as a Master of the said Courts respectively, or as a Clerk or Messenger in the offices of any of such Masters, and who was entitled to and has received compensation in respect of the office formerly held by him under the Act hereinbefore mentioned passed in the eleventh year of the reign of King GEORGE the Fourth, and the first year of the reign of His present Majesty, who shall hereafter resign his office or situation, with the sanction and under the authority of the Lord Chief Justice or Lord Chief Baron of the Court to which he shall belong, shall be entitled to receive, during his life, such annual sum as the Commissioners of His Majesty's Treasury shall think proper to fix and appoint, not exceeding in any case the net annual value of the office formerly held by him, as certified by the Commissioners under the said last-mentioned Act, and not being less in any case than Three-fourths thereof; provided that such annual sum shall exceed the superannuation allowance to be ascertained as hereinafter mentioned; and every person appointed or to be appointed to any situation as aforesaid under this Act, where such annual sum under the provisions of the said recited Act shall amount to a less sum than the superannuation allowance to be ascertained as hereinafter mentioned, or who was not entitled to and has not received compensation in respect of any former office held by him under the provisions of the said Act, and who shall hereafter resign his office or situation in consequence of his being incapable from infirmity of mind or body to discharge the duties thereof, shall be entitled to receive such superannuation allowance

allowance as the said Commissioners of His Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the amount of such superannuation allowance, the said Commissioners shall take into consideration the whole period during which any such person shall have been permanently employed in any office or situation in either of the said Courts prior to the passing of this Act, and shall proceed according to the principles laid down by an Act passed in the fourth and fifth years of the reign of His present Majesty, intituled, "An Act to alter, amend and consolidate the Laws for regulating the Pensions, Compensations and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service;" and all such sums and allowances which shall be so awarded and granted under the authority aforesaid shall be paid and payable and be charged and chargeable in the same way as is hereinbefore provided in respect of the salaries of the Masters, Clerks and Messengers of the said Courts respectively, and the necessary expenses of the said offices.

AND whereas it would tend to the despatch of business, and would assimilate the practice and promote uniformity in the allowance of Costs, if the Masters of the said Courts, appointed or to be appointed under this Act, were empowered to tax Costs which have arisen or may arise in each of the said Courts indiscriminately; BE it therefore Enacted, That from and after the First day of January One thousand eight hundred and Thirty-seven the Masters of the said Courts, appointed or to be appointed as aforesaid, are hereby authorized, empowered and required to tax all Bills of Costs indiscriminately which shall have arisen or which may arise in cases of a civil nature in any of the said Courts, or in the Court of Error in the Exchequer Chamber, although such Costs may not have arisen in respect of business done in the Court to which such Masters may belong; and the Judges of the said Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, shall and they are hereby required, by any rule or order to be from time to time made either in term or vacation, to establish such regulations as may be necessary for the purpose of enforcing uniformity of practice in the allowance of Costs in the Common Law Courts, and of ensuring, as far as may be practicable, an equal division of the business of taxation amongst the Masters of the said Courts; and such Judges shall appoint some convenient place in which the said business of Taxation shall be transacted for all the said Courts.

AND whereas by an Act passed in the sixth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to abolish the Sale of Offices in the Court of King's Bench in *England*, to make Provision for the Lord Chief Justice of the said Court, and to grant an additional Annuity to the said Lord Chief Justice on resignation of his Office," it was declared, that the several offices of Clerk of the Rules

21.
Masters empowered and required to tax Costs indiscriminately in the said Courts.

22.
CLAUSE (G)
Compensation granted to certain Persons for the loss of the sale of, and appointment to, Offices abolished by this Act.
chap. 82.

on the Plea side, Clerk of the Papers on the Plea side, Clerk of the
 Declarations, Clerk of the Common Bails, Estreats and Posteads, and
 Clerk of the Dockets, all in the Court of King's Bench, were in the
 gift of the Chief Clerk of the said Court, and were saleable by him ;
 and also that the offices of Clerks of the Inner and Outer Treasury, 5
 Clerks of Nisi Prius in *London* and other cities, and on the several
 circuits, and Bagbearer on the Plea side also in the Court of King's
 Bench, were in the gift of the Custos Brevium of the said Court, and
 were saleable by him, and that it was expedient to abolish the sale of
 such offices, without prejudice however to the rights of any of the 10
 persons then holding the same, or having the right of appointment
 thereto : AND whereas by another Act passed in the sixth year of the
 reign of his said late Majesty King GEORGE the Fourth, intituled,
 " An Act to abolish the Sale of Offices in the Court of Common Pleas
 in *England*, to make Provision for the Lord Chief Justice of the said 15
 Court, and to grant an additional Annuity to the said Lord Chief Jus-
 tice on Resignation of his Office," it was declared, that the offices of
 Second Prothonotary and Clerk of the Juries were appointed by the
 Lord Chief Justice on the nomination of the Custos Brevium, and that
 each of the three Prothonotaries of the said Court had the appoint- 20
 ment of one Secondary, and such rights of appointments were con-
 tinued to the persons then in possession of the said offices of Custos
 Brevium and Prothonotaries respectively : AND whereas the persons
 who were so declared by the said recited Acts to be in possession
 of the right of sale, and appointment in and to the several offices 25
 mentioned in the said Acts are still possessed of such rights :
 AND whereas all the said Offices will be abolished by this Act, and
 it is only just and reasonable that compensation be granted to the
 parties who are declared by the said Acts to be entitled to the rights
 of gift, sale or appointment therein respectively mentioned ; BE 30
 therefore Enacted, That, as soon as conveniently may be after the
 passing of this Act, the Lord High Treasurer, or any Three of the
 Commissioners of His Majesty's Treasury, shall fix in lieu of each of
 the Offices to which any such right of gift, sale or appointment attaches
 as aforesaid, such annual sum of money as will be equal to Three- 35
 fourth parts of the net annual value of such Office as certified by the
 Commissioners under the hereinbefore recited Act passed in the
 eleventh year of the reign of King GEORGE the Fourth, and the first
 year of the reign of His present Majesty ; and the annual sum so fixed
 shall be paid out of the Consolidated Fund of the United Kingdom, by 40
 equal quarterly payments, without any deduction ; and every person now
 holding any of the said Offices to which such right attaches, shall from
 and after the First day of January One thousand eight hundred and
 Thirty-seven, receive the annual sum so fixed in lieu thereof during
 the term for which he would but for this Act have been entitled to
 hold his said office ; and the several parties entitled to the aforesaid
 right

Chap. 83.

Chap. 110.

right of gift, sale or appointment respectively, shall have, during the term for which their respective vested interests in such rights would have continued but for this Act, the same right of disposing of the respective annual sums so fixed as they would but for this Act have had of giving, selling or appointing to the respective offices, in lieu of which such annual sums shall have been so fixed: Provided always, That the said respective annual sums so fixed shall not be disposed of to any person whatever under the age of Twenty-one Years; Provided also, That all powers and authorities by which the said Commissioners of His Majesty's Treasury are enabled to purchase any or either of the offices or rights in this Act mentioned or referred to, shall apply equally to the purchase of any annuity or annuities hereby directed to be paid in lieu thereof respectively.

AND whereas by the Act hereinbefore recited, passed in the eleventh year of the reign of King George the Fourth, and first year of the reign of His present Majesty, certain officers belonging to the Superior Courts of Common Law, who were appointed prior to the Twenty-fourth day of May One thousand eight hundred and Thirty, are entitled to receive compensation for any loss thereafter sustained by them in their fees and emoluments, in consequence of the amendments and alterations in the process, practice, pleadings and other proceedings of the said Courts: AND whereas by another Act passed in the first and second years of the reign of His present Majesty, to explain and amend the said Act, the Warden of the Fleet Prison was declared to be within the true intent and meaning of the said first-mentioned Statute; but no provision was made for the several persons holding the offices of Clerk of the Papers in the said Prison, and the Tipstiffs of the Court of Common Pleas, who were severally appointed to their offices by the said Warden prior to the said Twenty-fourth day of May One thousand eight hundred and Thirty: AND whereas the Clerk of the Papers at the King's Bench Prison, and the Tipstiffs of the Court of King's Bench, have been and now are compensated under the provisions of the said first recited Act, and it is only just and reasonable that the same description of officers in the Court of Common Pleas, whose duties and emoluments are similar in their nature to those attached to the Court of King's Bench should be placed upon the same footing; BE it therefore Enacted, That the Lords Commissioners of His Majesty's Treasury shall ascertain the gross and net annual value of the offices of the said Clerk of the Papers at the Fleet Prison, and the Tipstiffs of the Court of Common Pleas respectively, according to a fair average of the lawful fees and emoluments of such offices, for a period of Ten Years next, preceding the Twenty-fourth day of May One thousand eight hundred and Thirty, and according to the same rules and principles as were adopted by certain Commissioners in

23.
 CLAUSE (H)
 Treasury empowered to grant Compensation to certain Officers of the Court of Common Pleas who were in office prior to 24 May 1830.
 Chap. 58.

Chap. 35.

297

ascertaining the value of other offices in the Superior Courts of Common Law, under the provisions of the said recited Acts, and in case the net amount of the fees and emoluments actually received by either of the said officers, has in any year since the the said Twenty-fourth day of May One thousand eight hundred and Thirty, fallen short or shall hereafter fall short of the net annual value of their offices as aforesaid, every such officer shall be entitled to receive, from and after the said Twenty-fourth day of May, and so long as he or they shall continue in office, from the Lord High Treasurer or Commissioners of His Majesty's Treasury, the full amount of the difference between the net sum actually received by such officer, and the net value of his office; and the amount so to be paid shall be charged and chargeable, and be paid and payable out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland* in the same way as other officers belonging to the Superior Courts of Common Law are now paid; and in case the net amount of the lawful fees and emoluments actually received by either of the said officers in any year since the said Twenty-fourth day of May has exceeded, or shall hereafter exceed, the net annual value of their offices ascertained as aforesaid, the surplus shall be paid into the receipt of the Exchequer to the credit of the said Consolidated Fund at such times and in such manner as the said Commissioners of His Majesty's Treasury shall think proper to direct.

24.

CLAUSE (I.)
Persons whose
Offices are
abolished to
receive full
amount of
Compensa-
tion under 11
Geo. 4. and
1 Will. 4,
c. 58, until
the Treasury
shall other-
wise deter-
mine under
the Provision
of that Act.

And be it further Enacted, That the provisions and powers contained in the before recited Act passed in the eleventh year of the reign King GEORGE the Fourth, and the first year of the reign of His present Majesty, intituled, "An Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law," shall, so far as the same is applicable, extend to all cases in which any office shall be abolished by the authority of this or any subsequent Act, and the person, his heirs, executors or administrators, who, in case such office were not abolished, would, under the provisions of the last recited Act, have been entitled to receive the difference between the net amount of the fees and emoluments which would have become due in such office, and the certified value thereof, shall be entitled, from the time of the abolition of such office to receive the full amount of such certified value in four equal quarterly payments on the Fifth days of April, July and January, and the Tenth day of October in each year, to be paid and payable out of the Consolidated Fund of the United Kingdom without any fee or deduction whatsoever until such other arrangement for his compensation, in consequence of such person being by the abolition of his office relieved from further duties, attendance and responsibility, shall have been made under the powers and provisions of the said recited Act, and when such other arrangement shall have been so made, the annual sum which shall be thereby

27/13

thereby fixed and appointed for such abolished office shall be, in like manner a charge upon, and shall be paid out of the said Consolidated Fund, without any fee or deduction whatever, together with a proportional part of such annual sum for the time which at the decease of the person entitled thereto shall have elapsed since the last payment thereof: Provided always, That the annual sum or sums of money directed by the hereinbefore recited Act or by this Act, to be paid as Compensation for the abolition of the office of the Custos Brevium of the Court of Common Pleas, shall go and be paid from time to time to such person or persons as would have been entitled for an estate tail to the fees and emoluments of the said office, and in the same proportions as he or they would have been so entitled in case the said office had not been abolished.

AND whereas by an Act passed in the seventh year of the reign of her late Majesty Queen ANNE, intituled, "An Act for the Public Registering of Deeds, Conveyances and Wills and other Incumbrances which shall be made of or shall affect any Honors, Manors, Lands, Tenements or Hereditaments within the County of *Middlesex*, after the Twenty-ninth day of September One thousand seven hundred and Nine," and by another Act passed in the twenty-fifth year of the reign of his Majesty King GEORGE the Second, intituled, "An Act for appointing the Deputy or Secondary of the Chief Clerk to enrol Pleas in the King's Bench, called the Master of the King's Bench Office, one of the Registers or Masters for the Inrolment of Deeds, Wills and other conveyances in the County of *Middlesex*, in the place and stead of such Chief Clerk," it is provided, that the Clerk of the Warrants in the Court of Common Pleas, and the Master or Secondary of the Court of King's Bench for the time being, shall be two of the officers for executing the duties of Registers and Masters for the matters and things in the said first recited Act contained: AND whereas the said offices of Clerk of the Warrants in the Court of Common Pleas and the Master or Secondary of the Court of King's Bench will be abolished by this Act, and doubts may arise whether those officers can any longer continue legally to execute the duties of such Registers and Masters as aforesaid, BE it therefore Enacted, That nothing in this Act contained shall extend or be construed to extend to abolish the office of Registers or Masters for the inrolment of Deeds, Wills and other conveyances in the county of *Middlesex*, or for any other matters or things in the said first recited Act contained, or to deprive any of the persons now holding such office of Registers or Masters of that office, and that such persons shall and may henceforth, and until otherwise provided for by law, continue to hold and enjoy such office and execute all the powers and duties appertaining thereto in the same manner to all intents and purposes as if this Act had not been passed; and if the Clerk of the Warrants in the Court of Common Pleas, or the Master or Secondary

25.

CLAUSE (K.)
Clerk of the
Warrants in
Court of Com-
mon Pleas and
Master or
Secondary of
the Court of
King's Bench
continued in
the Office of
Registers of
Deeds in
Middlesex,
notwithstand-
ing the
abolition of
their Offices in
the Courts of
Law.

of the Court of King's Bench abolished by this Act, and who now hold the office of such Registers or Masters as aforesaid, shall die or resign, or otherwise be discharged from the office of Registers or Masters, it shall be lawful for the Lords Chief Justices of the Courts of King's Bench and Common Pleas for the time being, until otherwise directed 5 by Parliament, to nominate and appoint some fit and proper person to fill the office of such Register or Master, such person being a Barrister or being an Attorney in any one of the Superior Courts of Common Law at *Westminster*, in actual practice of not less than Five Years' standing on the Rolls of such Court, in the place or stead of the person 10 so dying, resigning or being discharged from such office ; and the person so nominated and appointed by the Lords Chief Justices as aforesaid, shall, previously to his entering upon or executing such office, take such oath or oaths, and afterwards execute such office, and the powers and duties appertaining thereto, in the same manner to all intents and 15 purposes as the persons executing the same would by law be required and authorized to take and execute if this Act had not been passed.

26.

Act may be
altered this
Session.

And be it further Enacted, That this Act may be amended, altered or repealed during the present Session.

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SCHEDULES

TO WHICH THE FOREGOING ACT REFERS.

SCHEDULE (A.)

OFFICES abolished by this Act from and after the First day of January One thousand eight hundred and Thirty-seven.

On the Plea side of the Court of King's Bench :

The Office of the Chief Clerk.

Secondary, or Master of the King's Bench Office.

Clerk of the Rules.

Clerk of the Papers.

Clerk of the Docquets and Judgments.

Signer of the Writs.

Clerk of the Declarations.

Clerk of the Common Bails, or Appearances.

Estreats and Posteads.

Custos Brevium et Recordorum.

Clerk of the Inner and Upper Treasuries.

Clerk of the Outer Treasury.

Clerks of Nisi Prius for *London, Middlesex*, and the several Circuits in *England* and *Wales*.

Bagbearer to the Custos Brevium.

Clerk of the Errors.

Filacer, Exigenter, and Clerk of the Outlawries.

In the Court of Common Pleas :

The Office of the Custos Brevium.

Prothonotaries.

Secondaries.

Clerk of the Judgments.

Clerk of the Reversals of Outlawries.

Clerk of the Docquets.

Clerk of the Warrants, Enrolments and Estreats.

Clerk of the Essoigns.

Clerk of the Treasury.

Clerk of the Jurata.

Treasury Keeper.

In the Court of Common Pleas—*continued*.

The Office of the Clerk of the Juries.

Clerk of the Errors.

Filacers for the several Counties, Cities and Towns
in *England* and *Wales*.

Exigenter and Clerk of the Supersedeas.

Clerk of the Outlawries.

On the Plea side of the Court of Exchequer :

The Office of the Masters and Prothonotaries.

Clerk of the Rules.

Filacer.

Clerk of the Errors.

Clerk of the Pleas.

SCHEDULE (B.)

PERSONS appointed by this ACT as the MASTERS of the SUPERIOR
COURTS of COMMON LAW.

The Five Masters on the Plea side of the Court of King's Bench,
namely,—

Thomas Le Blanc, Esquire.

Fortunatus Dwarrris, Esquire.

Sir Archer Denman Croft, Baronet.

Richard Goodrich, Esquire.

James Bunce, Esquire.

The Five Masters of the Court of Common Pleas, namely,—

Henry Belward Ray, Esquire.

Alexander Atherton Park, Esquire.

John Henry Cancellor, Esquire.

Edward Griffiths, Esquire.

Edward Robert Porter, Esquire.

The Five Masters on the Plea side of the Court of Exchequer,
namely,—

Thomas Dax, Esquire.

Kenrick Collett, Esquire.

Edmund Walker, Esquire.

Stephen Richards, Esquire.

George Chilton, Esquire.

Common Law Courts.

A

B I L L

[AS AMENDED ON THE SECOND RE-COMMITMENT]

To abolish certain Offices in the Superior
Courts of Common Law, and to make
Provision for a more effective and uniform
Establishment of Officers in those Courts.

(Prepared and brought in by
*Mr. Sergeant Goulburn, Mr. Freshfield and
Mr. Aglionby.*)

*Ordered, by The House of Commons, to be Printed,
29 July 1836.*



(Ireland.)

A

B I L L

To consolidate and amend the Laws relating to
the Constabulary Force in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH **E**R **E**A **S** it is expedient to consolidate and amend the Preamble.
Acts for the appointment of Constables and of Magistrates
in Ireland in certain cases; **B**E **i**t **t**herefore **E**nacted, by The
KING's most Excellent MAJESTY, by and with the Advice and
5 Consent of the Lords Spiritual and Temporal, and Commons, in
this present Parliament assembled, and by the Authority of the
same, THAT from and after the *passing of this Act* the following
Acts and parts of Acts, (that is to say) an Act passed in the fifty-
fourth year of the reign of his late Majesty King GEORGE the Third, 54 G. 3. c. 131.
10 intituled, "An Act to provide for the better Execution of the Laws
in Ireland, by appointing superintending Magistrates and additional
Constables in certain Cases," except so far as the said Act enables
the Lord Lieutenant to change the districts for holding Civil Bill
Courts in Counties; an Act passed in the fifty-fifth year of the reign 55 G. 3. c. 13.
15 of his said late Majesty King GEORGE the Third, to amend the
said Act; and another Act passed in the fifty-fifth year of his said
late Majesty, intituled, "An Act to enable Grand Juries to present 55 G. 3. c. 158.
additional Sums for Constables in Ireland, and for the secure Convey-
ance of Prisoners," except so much of the said last-mentioned Act
20 as relates to the expenses of removing transported felons, and of the
conveying persons charged with treason or felony to gaol; an Act
passed in the fifty-seventh year of the reign of his said late Majesty, 57 G. 3. c. 22.
to amend the said two first-mentioned Acts of the fifty-fourth and
fifty-fifth years of his said late Majesty's reign; so much of an Act
passed in the fifty-ninth year of the reign of his said late Majesty 59 G. 3. c. 92.
King GEORGE the Third, intituled, "An Act to enable Justices of
the

the Peace in Ireland to act as such in certain Cases out of the Limits of the Counties in which they actually are; to make Provision for the Execution of Warrants of Distress granted by them, and to authorize them to impose Fines upon Constables and other Officers for neglect of Duty, and on Masters for ill-usage of their Apprentices," as enables Justices to impose fines upon Constables; 5

3 G. 4. c. 103. an Act passed in the third year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for the Appointment of Constables, and to secure the effectual Performance of the Duties of their Office, and for the Appointment of Magistrates in Ireland 10

5 G. 4. c. 28. in certain Cases;" an Act passed in the fifth year of the reign of his said late Majesty King GEORGE the Fourth, intituled, "An Act to amend an Act of the third year of his present Majesty's reign, for the Appointment of Constables in Ireland;" an Act passed in the ninth year of the reign of his said late Majesty King GEORGE the 15

9 G. 4. c. 63. Fourth, intituled, "An Act to amend Two Acts of the third and fifth years of his present Majesty, for the Appointment of Constables in Ireland," shall be and the same are hereby Repealed, save so far as the said Acts or any of them repeal any other Act, and save so far as herein to the contrary provided, and also save with respect 20

to the Superannuation Allowances granted at any time before the *passing of this Act* to any Chief or other Constables appointed under the said Acts or any of them, and save and except as to any act, matter or thing which may have been previously done in the exercise of the powers, duties, authorities and functions given by the 25

said Acts or any of them, every which act, matter and thing shall be and remain valid and effectual to all intents and purposes as if this Act had not passed.

2.
Existing Magistrates, Inspectors, Constables, &c. to continue until it is notified in the Dublin Gazette that a Constabulary Force is fully organized according to this Act;

Provided always, and be it Enacted, That the Magistrates, Inspectors, Superintendents, Clerks, Chief and other Constables, Sub-Constables, Officers and other Persons heretofore appointed, or acting under the said hereinbefore recited Acts, or any of them, in any county, county of a city, or county of a town, barony, or other district, shall and they are hereby respectively authorized and required, notwithstanding the *passing of this Act*, to continue to discharge and execute 35

their several duties and offices, with the like powers, privileges and authorities, and subject to the like obligations, restrictions, liabilities, directions and regulations as heretofore, until it shall be notified by a notice to be inserted in the Dublin Gazette by the Inspector General to be appointed under this Act, that the Constabulary Force for 40

such county, county of a city, or county of a town, is fully organized according to the provisions of this Act; and upon such notification the appointments and offices of all such Magistrates, Inspectors and Superintendents, Clerks, Chief and other Constables, Sub-Constables and Officers and other Persons shall become and be void, and they shall

upon such Notification their Appointments to cease, and the Houses, Furniture, Horses,

Arms, &c. to
be transferred
to the new
Force.

shall severally discontinue acting under the said recited Acts; and all or so many as may be necessary of the houses, outhouses, appurtenances, furniture, horses, arms, accoutrements, saddles, bridles, clothing, books, papers and appointments, articles and things whatever provided for their use respectively under the said recited Acts, or any of them, shall be applied, transferred, employed and converted to the use and accommodation of the Constabulary Force so organized; and it shall be lawful for the Inspector General, subject to the control and direction of the Lord Lieutenant or other Chief Governor or Governors of Ireland, to purchase, rent, hire and furnish from time to time such other or additional houses, outhouses, appurtenances, horses, furniture, articles and things, and for the said Lord Lieutenant or other Chief Governor or Governors to direct the issue from His Majesty's Stores, or in such other manner as he or they may direct, of such other or additional arms and accoutrements, saddles, bridles, clothing, appointments, articles and things as shall be from time to time proper and necessary for the Constabulary to be established under this Act.

And be it Enacted, That it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of Ireland, by warrant under his or their hands, to nominate and appoint *One* fit and proper person to be Inspector General of Police throughout Ireland, who shall reside in Dublin, and shall be charged and invested with the general direction and superintendence of the Force to be established under this Act; and to appoint from time to time, when and as he or they may think necessary, *One* or *Two* fit and proper persons to be Deputies to the said Inspector General, and to appoint any fit and proper persons to be Clerks in the office of such Inspector General; and every such Inspector General and Deputy Inspector General shall, on his appointment to such office, forthwith take, before any *Two* Magistrates, the oaths by law required to be taken by Justices of the Peace in Ireland, and also the oath hereinafter contained, and shall thereupon be and become without further qualification or appointment, and continue so long as he shall hold the said office, but no longer, a Justice of the Peace for every county, county of a city, county of a town, and town and liberties in Ireland.

3.
Power to the
Lord Lieutenant
to appoint
an Inspector
General and
Two Deputy
Inspectors.

AND in order to provide for one uniform system of Rules and Regulations throughout the whole establishment of Police in Ireland; BE it Enacted, That it shall and may be lawful for such Inspector General, with the approbation of the Lord Lieutenant or other Chief Governor or Governors of Ireland, from time to time to frame rules, orders and regulations for the general government of the several persons to be appointed under this Act, as well with respect to the places of their residence, their classification, rank and particular services,

4.
Power to Lord
Lieutenant to
make Rules.

services, the extent and limit of their respective duties, and their conduct and proceedings in the performance thereof, or of any duties imposed on them by law, their distribution and inspection, as to the description of the arms, accoutrements and other necessities to be furnished to them, and which of them shall be supplied with horses, and all such other matters relative to the said Police Force as may be necessary for the purpose of preventing neglect or abuse, and for rendering the said Force efficient for the discharge of the several duties thereof.

5.
Power to Lord
Lieutenant to
appoint County
Inspectors.

And be it Enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, in like manner from time to time to appoint in and for each of the three counties hereinafter mentioned, that is to say, for the counties of Cork, Tipperary and Galway, *Two* fit and proper persons to be County Inspectors of Police, and in and for each and every other county, county of a city, and county of a town, except the county of the city of Dublin, *One* person to be a County Inspector of Police, and each such County Inspector shall be charged and invested with the general government, direction and superintendence of the Police Force to be established within such counties respectively, and within any town and liberties locally situate within such county; and each such County Inspector shall, on his appointment to such office, forthwith take the oaths by law required, in such manner as by law, prescribed to be taken by Justices of the Peace in Ireland, and the oath hereinafter provided, and shall thereupon be and become without further qualification or appointment a Justice of the Peace in and for the county, and in and for each county, county of a city, and county of a town, town and liberties, adjoining to or locally situate within the county for which he shall be appointed Inspector.

6.
Power to Lord
Lieutenant to
appoint Pay-
masters, Store-
keepers and
Clerks.

And be it Enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, by warrant under his or their hand or hands, to nominate and appoint *One* fit and proper person for each county in Ireland to be Paymaster, Storekeeper and Clerk to the County Inspector appointed therein; and every such Paymaster shall, before entering upon the duties of his office, give security to His Majesty in a bond with *Two* sureties in such sum as the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland shall direct, such bond to be conditional for the faithful accounting and due application of all monies which shall come to his hands, and for the due and faithful execution of all other duties of his office.

7.
Power to Lord
Lieutenant to
appoint Sub-
Inspectors.

And be it Enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland, by warrant

in

in like manner from time to time to nominate and appoint in and for each of the said Counties of Cork, Tipperary and Galway, any number not exceeding *Two* fit and proper persons to be Sub-Inspectors of Police, to act for such districts as may be assigned to them
 5 respectively in aid of the County Inspectors, and under and subject to their direction and control, and in like manner to appoint in and for any and every other County and County of a City in Ireland any number not exceeding *One* Sub-Inspector to act for such County in aid of and under the like direction and control of the Inspector
 10 thereof; and each such Sub-Inspector shall on his appointment forthwith take the oaths hereinafter prescribed.

And be it Enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland from time to time, as he or they shall think fit, to remove any Inspector General, Deputy
 15 Inspector General, County Inspector, Sub-Inspector, Paymaster or Clerk, who may be appointed under this Act, and upon any vacancy in any of the said offices or appointments by death, removal, disability or otherwise, to nominate and appoint some other fit and proper Person to fill the same.

8.
Power to Lord Lieutenant to remove Inspectors General, &c.

And be it Enacted, That it shall be lawful for the Lord Lieutenant, or other Chief Governor or Governors of Ireland, to appoint from time to time, at his will and pleasure, in and for each County, County of a City, County of a Town, Town and Liberties in Ireland, such number of Chief Constables, Head Constables, Constables and
 25 Sub-Constables as may be deemed by him or them to be necessary and sufficient for the preservation of the peace therein, and from time to time, as to him or them shall seem fit, to dismiss any such Chief or other Constable or Sub-Constable, and upon any vacancy in any of the said offices by death, removal or otherwise, to appoint some
 30 other fit and able Person to fill the same; and all such Chief and other Constables shall have all such powers, authorities, privileges and advantages, and be liable to all such duties and responsibilities as any Constable duly appointed now has or hereafter may have, either by the common law or by virtue of any statute now or here-
 35 after to be in force in Ireland, but shall be guided in the performance of such duties according to the rules and regulations to be made as hereinbefore provided.

9.
Power to Lord Lieutenant to appoint Chief and other Constables.

And be it Enacted, That every Chief Constable, Head Constable, Constable and Sub-Constable to be appointed under this Act, shall,
 40 when not engaged on actual duty, attend on the Justices of the Peace at their several General or Quarter Sessions, and also at their Petty Sessions, and shall obey and execute all the lawful warrants, orders and commands of such Justices at such sessions, in all cases

10.
Constables to attend Magistrates and execute their Warrants.

civil and criminal: Provided always, That no Chief or other Constable shall be employed under such authority in the recovery of Tithes, or Tithe Composition, or in the levy of Rents, or enforcement of any other civil rights, by distress, or in the levying of Fines or Penalties under any Act or Acts relating to the Revenue in Ireland, nor in the enforcing of any Acts relating to the laws for the preservation of game or fish, except only in cases where forcible resistance shall have been actually made and proved by information taken on oath, or unless by the special orders and directions of the Lord Lieutenant or other Chief Governor or Governors of Ireland.

11.
Constables to
execute all
Process to
them directed.

And be it Enacted, That, except as aforesaid, every Sub-Inspector, Chief Constable, Head Constable, Constable and Sub-Constable appointed under this Act shall, within his jurisdiction, execute all processses to him directed for levying the amount of any fine or fines which shall be imposed under any Act in force in Ireland, or for levying the amount of any recognizance forfeited to His Majesty, His heirs and successors, or of any fines imposed on any Jurors, Witnesses, Parties or Persons at any Assizes, or Commission of Oyer and Terminer, or gaol delivery, or sessions of the peace; and when any warrant, order or command of any Magistrate shall be delivered or given to any such Head Constable or Sub-Constable, he shall, if the time will permit, show or deliver the same to the Chief Constable under whose immediate command such Head Constable or Sub-Constable shall then be, and such Chief Constable shall nominate and appoint, by indorsement thereon, such one or more of the Constables under his orders, and such Assistant or Assistants to him or them, as such Chief Constable shall think proper, to execute such warrant, order or command; and every such Constable whose name shall be so indorsed, and every such Assistant as aforesaid, shall have all and every the same rights, powers and authorities for and in the execution of every such warrant, order or command, as if the same had been originally directed to him or them expressly by name.

12.
Oath to be
taken by
Persons ap-
pointed under
this Act.

And be it Enacted, That no Person appointed under this Act to be an Inspector, Deputy or Sub-Inspector, Magistrate, Paymaster, Clerk, Chief or other Constable or Sub-Constable, shall be capable of holding the said office, or of acting in any way therein, until he shall take and subscribe the Oath here following; (that is to say)

"I, A. B., do swear, That I will well and truly serve our Sovereign Lord the King in the Office of Inspector, Deputy or Sub-Inspector, Paymaster, Clerk, Magistrate, Chief Constable or Head Constable [or, Constable, or, Sub-Constable, as the case may be], without favour or affection, malice or ill-will; that
I will

I will see and cause His Majesty's peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same; and that while I shall continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof, in the execution of Warrants and otherwise, faithfully according to law; and that I do not now belong, and that I will not, while I shall hold the said office, join, subscribe or belong to any political or secret Society whatsoever.

" So help me GOD."

And the said oath shall be administered either at general or petty sessions, or otherwise, by any *Two* Magistrates, and shall in all cases be subscribed by the Person taking the same; and the said Oath shall be administered by any *Two* Magistrates, either in open Sessions or otherwise, and such Magistrates shall forthwith give to the Person taking the same a Certificate thereof under his hand, such Certificate to be forwarded to the Chief Secretary of the Lord Lieutenant, or the Under Secretary, or to such Person as he may appoint.

And be it Enacted, That if any Sub-Inspector, Chief or other Constable or Sub-Constable shall neglect or refuse to obey and execute any Warrant hereby directed to be by him executed, or shall be guilty of any neglect or violation of duty in his office, every such Sub-Inspector, Chief or other Constable, shall forfeit and incur such penalty, not exceeding *Five* Pounds, as any *Two* or more Justices of the Peace, after examination upon oath of *One* or more credible witness or witnesses, or upon confession of the party, shall think proper to impose or inflict, and the amount of such penalty shall and may be deducted from and out of any salary accruing due to such offender under this Act, upon a Certificate thereof to be by the Justices before whom he may be convicted transmitted to the Paymaster of the County; or incase no salary shall be due to such offender, then such penalty shall, if not paid upon conviction as aforesaid, be levied by distress and sale of the goods and chattels of the offender.

13.
Penalty not exceeding 5*l.* may be imposed on Chief and other Constables for violation of duty.

And be it Enacted, That when any Chief or other Constable or Sub-Constable shall be dismissed from or shall cease to hold and exercise his office, all powers and authorities vested in him as a Constable shall immediately cease and determine, to all intents and purposes whatever; and if any Chief or other Constable or Sub-Constable shall not, within *One* Week after he shall be dismissed from or shall cease to hold and exercise his office, deliver over all and every the arms, ammunition and accoutrements, horse, saddle, bridle, clothing and other appointments whatsoever, which may

14.
Constables dismissed to lose their Powers and deliver up Arms, &c.

have been supplied to him for the execution of such office; to the Paymaster for the County, or to such Person, and at such time and place as shall be directed by the said Paymaster, every Person making default herein shall, upon conviction for such offence before any *Two* or more Magistrates, upon oath of one or more credible witness or witnesses, or upon his own confession, be subject and liable to imprisonment in the Common Gaol or House of Correction for any such period not exceeding the term of *Three* calendar Months, as such Magistrates shall think proper to direct; and it shall be lawful for such Magistrates, and they are hereby authorized and required to commit every such offender accordingly, and to issue their warrant to search for and seize to the use of His Majesty, all and every the arms, ammunition, accoutrements, horses, saddles, bridles, clothing and other appointments whatsoever, which shall not be so delivered over, wherever the same shall be found.

15.
Constables
not to resign
without leave.

And be it Enacted, That no Chief Constable, Head Constable, Constable, or Sub-Constable to be appointed under this Act shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly authorized so to do in writing by the County Inspector, or Sub-Inspector under whom he may be placed, or unless he shall give to such Inspector *One* Month's notice of his intention so to resign or withdraw; and if any Chief Constable, Head Constable, Constable or Sub-Constable shall so resign or withdraw himself without such previous permission or notice, he shall for such offence forfeit and pay a penalty not exceeding *Ten* Pounds upon conviction before *Two* Justices of the Peace; and it shall and may be lawful for such Justices, in case such penalty shall not be paid, to commit such Person to the Common Gaol or House of Correction for any period not exceeding *Three* calendar Months; and all penalties so to be levied shall be paid to the Paymaster of the County, to be applied and accounted for as hereinafter directed.

16.
County In-
spectors to
keep Lists of
Persons qua-
lified and
willing to
serve in the
Constabulary.

And be it Enacted, That each County or Local Inspector to be appointed under this Act, shall prepare and keep a List of such Person or Persons in the county, county of a city, county of a town, or town and liberties for which he is appointed, as may be duly qualified and willing to serve in the Constabulary Force, which List shall, as nearly as may be consistent with the selection of fit and proper individuals, be composed of persons from each Barony and Half Barony in proportion to the population of such Barony and Half Barony, and be completed from time to time as vacancies occur therein in the same manner, and the numbers in such List shall not exceed in the whole the numbers which may for that purpose be fixed by the Lord Lieutenant, or other Chief Governor or Governors of Ireland; and a copy of each such List when prepared shall be transmitted to the

General

General Superintendent, or Inspector, or his Deputy, and submitted for approval to the Lord Lieutenant, or other Chief Governor or Governors of Ireland.

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And be it Enacted, That each and every Person whose name shall be in such Lists shall attend, when called on by said County or Local Inspector, at such times, not exceeding Days in the year, for the purpose of being inspected, trained and exercised as he shall direct, and shall be paid the sum of per day for each day of attendance; and the name of every Person making default when so called on, unless prevented by some reasonable cause, to be approved of by the General Superintendent, or Inspector, or his Deputy, or who shall on such inspection appear unfit for the said service, shall forthwith be erased from such List.

17.
Such Persons to attend at certain times for inspection and training.

And be it Enacted, That all vacancies occurring in the Sub-Constables or Constables appointed under this Act shall, from and after the formation of said Lists, be filled up by the Lord Lieutenant, or other Chief Governor or Governors of Ireland, from the Persons named in such Lists, and shall be taken therefrom in rotation of Baronies and Half-Baronies, as nearly as may be consistent with the selection of proper individuals and the efficiency of the said Constabulary Force, and according to such arrangements as the Lord Lieutenant or other Chief Governor or Governors of Ireland may direct.

18.
Vacancies in the Constabulary to be filled up from such Lists.

And be it Enacted, That such Supernumerary or Subsidiary Constables and Sub-Constables, or any of them, may from time to time be placed upon full duty, either in their own proper county or any other county, when and for such period as occasion may require, and may be employed separately or together with the ordinary Constables and Sub-Constables to be appointed under this Act, and shall, whilst and so long as they may be employed on full duty, receive the like salary, pay and allowances, and be in all respects subject to the like duties, regulations and obligations, and invested with the like powers and authorities, and with the like privileges and advantages for their protection therein, as such ordinary Constables.

19.
Such Supernumerary Constables may be placed on full duty from time to time.

And be it Enacted, That it shall and may be lawful for the Inspector General, subject to the direction and control of the said Lord Lieutenant, or other Chief Governor or Governors, from time to time as may be deemed expedient, to order and direct that every or any the Inspectors, Sub-Inspectors, Paymasters, Chief or other Constables, or that the whole or any number of Chief or other Constables, or of Sub-Constables, whether of the ordinary or supernumerary Force of

20.
Inspectors, &c. may be ordered to other Counties.

any county, county of a city, county of a town, or town and liberties, shall go and repair to such place or places in any other county or counties, or in any county of a city, or county of a town, or town and liberties in Ireland, as shall be mentioned in such Order, and shall remain there for such length of time, or remove to, or remain 5 at any other place or places in the same or any other county, city or town for such time and times, and shall return to his or their original county, city or town at such time and times respectively as shall be mentioned or directed in or by such Order, or by any other order or 10 orders which may from time to time be made by such Inspector General, subject to the like direction and control, and that such Inspectors, Sub-Inspectors, Paymasters, Chief and other Constables and Sub-Constables, when so removed, shall have the same rights, powers and authorities, and be subject to the same rules, regulations 15 and orders, and be in all respects in the same situation in the county or other districts to which they shall be so removed, as if they had been originally appointed in and for such county or district.

21.

Their Expenses to be defrayed by the county to which they are removed.

And be it Enacted, That where any such Order as last aforesaid shall be acted upon, all expenses to be incurred for the purposes of this Act by any Inspector, Sub-Inspector, Paymaster, Chief Constable, 20 or other Constable or Sub-Constable, shall, during such time as he shall be or remain in any county, be defrayed in the same manner in all respects by such county as if he had been originally appointed in and for the same.

22.

Power to Lord Lieutenant to fix Salaries of Inspectors, &c.

And be it Enacted, That it shall be lawful for the Lord Lieutenant 25 or other Chief Governor or Governors of Ireland to fix and appoint such annual Salaries as to him or them may from time to time seem proper, not exceeding the several sums hereinafter specified, to be paid in such manner as he or they may direct to the several Persons appointed under this Act; (that is to say) to the Inspector-General of 30 Police, an annual Salary not exceeding Pounds; to each Deputy Inspector, an annual Salary not exceeding Pounds; to each County Inspector, an annual Salary not exceeding Pounds; to each Sub-Inspector, an annual Salary not exceeding 35 Pounds; to each Paymaster, an annual Salary not exceeding Pounds; to each Chief Constable, an annual Salary not exceeding Pounds; to each Head Constable, an annual Salary not exceeding Pounds; to each Constable, an annual Salary not exceeding 40 Pounds; to each Sub-Constable, an annual Salary not exceeding Pounds; and to the Clerks in the office of the Inspector-General, annual Salaries not exceeding in the whole for all such Clerks the sum of Pounds; and a rateable

a rateable proportion of such Salaries shall be payable for any portion of a year during which any Person entitled thereto may serve or have served, and in case of the dismissal of any such Person and the imposition upon him of any fine or penalty under the provisions of this Act, it shall be lawful to retain and deduct the amount thereof from and out of the Salary due or accruing due to such Person.

And be it Enacted, That in any case in which it shall appear to the Lord Lieutenant or other Chief Governor or Governors of Ireland that owing to the absence or non-residence of a Magistrate in any county, county of a city, county of a town, or town and liberties, or in any district of any county, or for any other sufficient cause to be expedient, it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of Ireland, whenever he or they shall think it requisite and necessary so to do, to appoint during his or their pleasure, *One* or more Persons not exceeding *Four* in the whole for any county, and not exceeding *Two* in the whole for any county of a city or county of a town, to be Magistrates for said county, county of a city, county of a town, or town and liberties, or for any part or district of any county, or for any district consisting of any parts of any two or more adjoining counties, or for any one or more barony or baronies in any county in Ireland, or for any district consisting of any county, and of a county of a city, or county of a town, town and liberties, or city and county, or any part or parts thereof respectively, and from time to time, to dismiss or remove any such Magistrate at his or their will and pleasure; and every Magistrate who shall be so appointed under this Act shall on his appointment forthwith take the Oaths by law required, and in such manner as such Oaths are by law required to be taken by Justices of the Peace in Ireland, and he shall thereupon to all intents and purposes be and become a Justice of the Peace in and for the county or counties, or city or town, in and for which he shall be appointed to be such Magistrate as aforesaid, and also for each and every county at large, or county of a city, or county of a town, town and liberties, or city and county adjoining to or locally situate within such his proper county, city or town, and shall, if there shall not be any such resident Magistrate in such adjoining county, city or town, have within such adjoining county, city or town all the authority necessary for the due execution of the provisions of this Act.

23.
Power to
Lord Lieu-
tenant to ap-
point resident
Magistrates.

And be it Enacted, That every such Magistrate, while he shall hold such Office, shall have and receive such Salary by the year, not exceeding the sum of Pounds, and rateably for any shorter period, as the Lord Lieutenant or other Chief Governor or Governors shall from time to time direct, and also such Allowance for

24.
Salary of such
Magistrates.

Forage as the Lord Lieutenant or other Chief Governor or Governors of Ireland shall think fit.

25.
Expenses of
Constables to
be advanced
out of the
Consolidated
Fund.

And be it Enacted, That it shall and may be lawful to and for the said Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being to order that any such Sum or Sums as he or they shall think proper shall, from time to time, be advanced and paid out of the produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, arising in Ireland, for the payment of the several Salaries and Allowances, and the purchase of arms, accoutrements, horses, bridles, saddles, appointments, houses, outhouses, furniture, and accommodations aforesaid ; and also for all rents and taxes payable for and in respect of such houses, outhouses, and for repairing all such houses and outhouses from time to time, and for the forage of such horses, and for the expense of the Magistrates, Inspectors, Chief or other Constables or Sub-Constables when they shall respectively be absent on duty from their residences under the authority of this Act, and for all other necessary and reasonable costs, charges and expenses incurred or to be incurred in the execution of this Act ; and all money so issued shall be paid to the Inspector General, or to such other Person, and with such securities, and under such rules and regulations as such Lord Lieutenant or other Chief Governor or Governors shall from time to time appoint and notify in the usual manner by his or their Chief or Under Secretary.

26.
One moiety
of such Ad-
vances to be
repaid by the
county.

And be it Enacted, That one *Moiety* of all Monies so advanced out of the produce of the Consolidated Fund for all or any the purposes of this Act (except so much of said Advances as shall be for the Salaries and Expenses of the Inspector General, his Deputies and Clerks), and also one *Moiety* of all Superannuation Allowances and Gratuities to be appointed or given to any Person under any of the said recited Acts or this Act, and not directed to be charged on the Fund hereinafter provided, nor otherwise excepted, shall be raised by Grand Jury Presentment off each county to which the same shall be declared by the Lord Lieutenant or other Chief Governor or Governors of Ireland to relate, and in or for which such expenses shall be or shall have been incurred ; and one *Moiety* of the Salary and Expenses of any Stipendiary Magistrate appointed under this Act, shall be in like manner raised and repaid by Grand Jury Presentment off the County, Barony or District wherein such Magistrate may be appointed to act.

27.
Inspector
General to
ascertain the
sums charge-
able to each
county and
certify, the
same to the
Grand Jury.

And be it Enacted, That the Inspector General to be appointed under this Act shall, in sufficient time before each Assizes and Presenting Term, ascertain the amount of the Monies chargeable under the provisions of this Act on each county, county of a city, or county of a town, or any part of any county, and shall make out a Certificate thereof

thereof under his hand, specifying the Force or Service in respect whereof such Charge may have been incurred, and transmit the same to the Secretary of the Grand Jury for such County, County of a City, and County of a Town, *One* Week before said Assizes and Presenting
 5 Term, who shall lay the same before the Grand Jury; and thereupon it shall be lawful for such Grand Jury, and they are hereby required to make a Presentment for the Amount stated in such Certificate, or in any previous certificate, the amount whereof shall not have been already presented, to be raised from off the county at large, county of a city
 10 or county of a town, or city and county respectively, in the same manner as any presentment for constables may by law be now raised therefrom; and it shall not be lawful for the Court at any Assizes or Presenting Term to fiat any Presentment for raising any other Money until such Presentment for such Expenses be first made and allowed;
 15 and whenever the amount stated in such certificate shall be levied, the same shall be paid over to the Collector of Excise of the district, to be accounted for by him as any other public money in his hands; and thereupon, but not before, as to all Sums mentioned in such Certificate as aforesaid, such county shall be deemed to be discharged.

20 And be it Enacted, That the Inspector General for the time being, or whoever shall be appointed to receive the same by the Lord Lieutenant or other Chief Governor or Governors of Ireland, shall receive all Sums of Money applicable to the purposes of this Act, and shall keep an exact and particular account thereof, and shall immediately
 25 pay all Monies, Bills and Notes by him received under this Act into the hands of the Governor and Company of the Bank of Ireland, and the same shall be placed to an account in the books of the said Governor and Company, which shall be intituled, "The Account of the Public Monies of the Constabulary Force in Ireland," and such Inspector-
 30 General, or other Person, shall draw out of the said Bank, from time to time, such sums of money as may be necessary for the payment of the Salaries and Allowances payable under this Act, and of all other charges and expenses attendant upon the execution of the same, and shall from time to time transmit to the Paymasters of the several
 35 Counties the monies required to defray all such salaries, charges and expenses within such Counties respectively.

28.
 Monies to be
 lodged in
 Bank of
 Ireland.

And be it Enacted, That the Inspector General, or such other Person, shall once in every *Six* Months, and oftener if required by the Lord Lieutenant or other Chief Governor or Governors of Ireland, make
 40 out and sign a full and particular account of all monies which shall have been received by him under this Act, and how much thereof hath been paid by him, and for what purposes, and shall deliver the same, together with proper vouchers for the receipts and payments therein to such Person or Persons as such Lord Lieutenant or other Chief

29.
 Monies to be
 accounted for,
 and Accounts
 to be ex-
 amined by the
 Commission-
 ers of Public
 Accounts.

Governor or Governors may from time to time direct, for the purpose of being audited and examined, and such Inspector General or other Person shall be subject to the same regulations and penalties, and be in all respects considered as a Public Accountant.

30.

Inspector-General to make Contracts, and all the Property acquired under this Act to be vested in him.

And be it Enacted, That the Inspector General for the time being shall make all such Contracts as shall be necessary for purchasing or renting any Lands or Buildings, or for erecting, fitting up, furnishing or repairing any Buildings for the purposes of this Act, in such manner as the Lord Lieutenant or other Chief Governor or Governors of Ireland shall direct, and the right, title, property and interest to and in all Lands and Buildings, and in and to the fixtures and furniture thereof, and in and to all goods and chattels whatsoever to be from time to time held, rented or purchased for the purposes of this Act, shall be vested in the Inspector General for the time being, in whom shall be vested the property in and to all arms, accoutrements, horses, saddles, bridles and other necessities to be at any time furnished to the said Constabulary Force, and the Inspector General for the time being may, by the direction of such Lord Lieutenant or other Chief Governor or Governors of Ireland, sell or assign the whole or any part of any such property as aforesaid, and otherwise deal with and dispose of the same as the Lord Lieutenant or other Chief Governor or Governors of Ireland shall from time to time direct.

31.

Reputation to be evidence of Appointments.

And be it Enacted, That if any question shall arise as to the right of any Magistrate, or of any Inspector, Chief Constable, or Head Constable, or Sub-Constable, to hold or execute any such Office respectively, common reputation shall to all intents and purposes be deemed and held to be sufficient evidence of such right; and it shall not be necessary to produce any appointment or any oath, affidavit or other document or matter whatsoever in proof of such right.

32.

This Act not to extend to High Constables, Parish, or Leet Constables.

Provided always, and be it Enacted, That nothing in this Act contained shall extend or in anywise be deemed or construed to extend to repeal, affect or take away the election or appointment of High Constables by Grand Juries for the purpose of collecting the sums presented by such Grand Juries, or of Parish Constables, or Constables of any Leet in Ireland, or to take away, or diminish, or infringe the powers or authorities of any such Constables in any respect whatever; but no such Constable shall as such be entitled to any payment or salary under this Act.

33.

Fund to be provided for Superannuation Allowances, &c.

And be it Enacted, That there shall be deducted from the pay and salary of the several Persons appointed under this Act the sum of *Two Pounds* per centum per annum, and so rateably from any pay or salary not amounting to the sum of *One hundred Pounds*, which

which sum so deducted shall from time to time be remitted by the several Paymasters to such Person or Persons as the Lord Lieutenant or other Chief Governor or Governors of Ireland shall from time to time appoint, and shall be invested in Government Stock, by and in the name of such Person or Persons, and the Interest and Dividends thereof, or so much of the same as shall not be required for the purposes hereinafter next mentioned, shall be likewise invested in such Stock, and accumulate, so as to form a Fund, to be called "The Police Superannuation Fund," and to be applied from time to time, as occasion may require, for the payment of such Superannuation or Retiring Allowances or Gratuities as may be, at any time from the *passing of this Act*, ordered or appointed from time to time by the Lord Lieutenant, or other Chief Governor or Governors of Ireland, under the powers hereinafter given to him, to be charged on the said Fund, or payable thereout; and in case the Fund so accumulated shall be inadequate to pay such superannuations or retiring allowances, and in case of all superannuations, retiring allowances, or gratuities granted before the *passing of this Act*, and of all superannuations, retiring allowances or gratuities granted after the *passing of this Act*, which may not be so directed to be charged on the said Fund or payable thereout, *One-half* of such deficiency, superannuations, retiring allowances and gratuities shall be made up by Presentment of the Grand Juries of the respective counties, counties of cities and counties of towns, in such proportions as the Lord Lieutenant, or other Chief Governor or Governors of Ireland shall from time to time direct and appoint, and the other half thereof shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, arising in Ireland.

And be it further Enacted, That it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of Ireland, in his or their discretion, upon the petition of any Magistrate, Inspector, Deputy-Inspector, County Inspector, Sub-Inspector, Paymaster, Chief or other Constable or Sub-Constable who shall have been appointed under this Act, or who may have been appointed and acted under said recited Acts or any of them, and in the case of any Chief Constable, upon such recommendations and certificates as such Lord Lieutenant or other Chief Governor or Governors shall require and direct, to order and direct that any such Magistrate, Inspector, Deputy Inspector, County Inspector, Sub-Inspector, Paymaster, Chief Constable or other Constable or Sub-Constable shall and may be superannuated, and shall and may receive such yearly Allowance, Remuneration or Superannuation, and upon such conditions, and not exceeding such proportions as to age, length of service, and other circumstances as hereinafter mentioned and provided for; and thereupon such Person shall cease to hold such office; and when such Person shall have served in more than one

34.
Lord Lieutenant empowered to superannuate Inspector, &c. and Grand Jury shall present yearly allowances accordingly.

county, it shall be lawful for the Lord Lieutenant, by warrant under his hand, to apportion on each county in which he may have served such portion of the Superannuation Allowance as he may think should be borne by such county; and the yearly sum to which any such Magistrate, County Inspector, Sub-Inspector, Paymaster, Chief or other Constable or Sub-Constable shall become so entitled, or the portion thereof, apportioned as aforesaid, shall be presented by the Grand Jury of the County on which it shall be chargeable in two equal sums, one at each assize, during his life, on proof to the Grand Jury from time to time that the Person so entitled to such Superannuation is living, unless such yearly Allowance, Superannuation or Remuneration shall be by such Lord Lieutenant directed to be chargeable on the Police Superannuation Fund hereinbefore provided. 5 10

35.
Condition and
Proportions
of Allowances
to Constables
super-
annuated.

Provided always, and be it Enacted, That the conditions and proportions of such Allowance, Remuneration or Superannuation shall be as follows; (that is to say) where any Person applying for the same shall be under *Sixty* years of age, it shall not be lawful to grant any such Allowance, Compensation, Remuneration or Superannuation unless as hereinafter provided, or upon certificate from such Persons as may be appointed by the Lord Lieutenant or other Chief Governor or Governors for the medical Inspection of Persons appointed under this Act, or any of said recited Acts, that such Constable is incapable, from infirmity of mind or body, to discharge the duties of his office, in which case, if he shall have served with diligence and fidelity for *Fifteen* years, it shall and may be lawful to grant to him by way of Superannuation an annual sum not exceeding *One-half* of the salary of his office; if above *Fifteen* years and less than *Twenty*, any sum not exceeding *Two-thirds* of such Salary; if above *Twenty* years, any such sum not exceeding the *whole* of such Salary; and if such Constable shall be above *Sixty* years of age, and he shall have served *Fifteen* years or upwards, it shall and may be lawful, although there shall be no Certificate of Incapacity, from infirmity, or injury of body or mind, to grant him by way of Superannuation any annual sum not exceeding *Two-thirds* of the salary of his office; if *Sixty-five* years of age or upwards, and he shall have served *Forty* years or upwards, any sum not exceeding *Three-fourths* of such salary; if *Sixty-five* years of age or upwards, and he shall have served *Fifty* years or upwards, any such sum not exceeding the *whole* of such salary: Provided always, That if any Chief Constable or other Constable shall be disabled by any wound or injury received in the actual execution of the duty of his office, it shall and may be lawful to grant to him such yearly Allowance or Remuneration as may in the opinion of the Lord Lieutenant or Chief Governor or Governors of Ireland be proportioned to the nature of the injury received, without reference to the length of his service; provided that such Allowance 15 20 25 30 35 40

Allowances
in case of
Wounds, &c.

Allowance or Remuneration shall in no case exceed the whole of such salary; and that in calculating the period for which any such Person has served, the time he may have served under any of such recited Acts shall be reckoned.

5 And be it Enacted, That all Fines imposed on any Chief or other Constable under this Act, and all Penalties or proportions of Penalties and Damages awarded to any Chief or other Constable or other Person appointed under this Act by any Justice or Justices of the Peace, on any summary conviction, as the Prosecutor of any information or
 10 otherwise, shall be paid to the Paymaster of each county, county of a city or county of a town, in which such Fine shall be imposed or such conviction shall be had, and shall be by such Paymaster paid, applied and disposed of to such Person or Persons and in such manner as the Lord Lieutenant or other Chief Governor or Governors of
 15 Ireland shall from time to time direct, so as that the same may form a Fund, to be called "The Police Reward Fund," to be invested and accumulate for the payment of such rewards, gratuities, bounties, pensions or other allowances as such Lord Lieutenant or other Chief Governor or Governors may from time to time award or direct, to
 20 be paid to any Person or Persons appointed under this Act, or to the Widows and Families of any such Person on his death; and that it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of Ireland, to direct, if he or they shall think fit, that any proportion, not exceeding *Ten Shillings*, in the year for
 25 every *One Hundred Pounds* of the Salary of every Person appointed under this Act, and so in proportion for any Salary less than *One Hundred Pounds*, shall be deducted yearly from such Salaries, and added to the said Fund, and shall form part thereof.

36.
Fines on Constables and Penalties payable to the Police to form a Fund to be called the "Police Reward Fund."

30 Provided always, and be it Enacted, That when any Action shall be brought against any Constable for any act done in obedience to the Warrant of any Magistrate, such Constable shall not be responsible for any irregularity in the issuing of such Warrant, or for any want of jurisdiction in the Magistrate issuing the same, and such Constable may plead the General Issue, and give such Warrant in evidence;
 35 and upon producing such Warrant, and proving that the signature thereto is the hand-writing of the person whose name shall appear subscribed thereto, and that such person is reputed to be and acts as a Magistrate of such County or District (as the case may be), and that the act or acts complained of were done in obedience to such Warrant, the Jury who shall try the said issue shall find a verdict for such
 40 Constable, and such Constable shall recover his costs of suit.

37.
For protection of Constable in executing warrant.

And be it Enacted, That each such Paymaster shall keep Accounts of all sums received and of all payments and disbursements
 35. c made

38.
Each Paymaster to keep Accounts of

Receipts and
Payments to
be submitted
half-yearly to
the Grand
Jury.

made on account of the Constabulary Force in each county; and that such Accounts shall be made up once in every month, and oftener if required, and transmitted to the said Inspector General; and that all such accounts shall be made up half-yearly, and a copy of each such half-yearly account delivered to the Secretary of the Grand Jury at every spring and summer assizes, and be by him laid before such Grand Jury, who shall inspect the same, and, if they shall so think fit, examine the said Paymaster on oath as to any matter or thing contained in such Account; and such Paymaster shall for that purpose attend such Grand Jury, if so required, and submit to such examination; and the foreman of such Grand Jury shall transmit each such half-yearly Account to the said Inspector General, with such remarks thereon as such Grand Jury shall think fit to make.

5

Accounts to
be transmitted
by Grand Jury
to Inspector
General.

10

39.
Act may be
altered this
Session.

And be it further Enacted, That this Act may be amended, altered or repealed by any Act to be passed in this present Session of Parliament.

Constabulary Force.

(Ireland.)

A

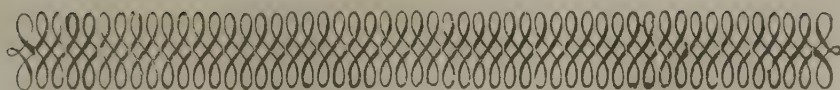
B I L L

To consolidate the Laws relating to the
Constabulary Force in Ireland.

(Prepared and brought in by
Lord Viscount Morpeth, Lord John Russell,
and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, to be Printed,
18 February 1836.

37



(Ireland.)

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To consolidate and amend the Laws relating to
the Constabulary Force in *Ireland*.

[N.B.—The Clauses marked (A.) to (K.) were added by the Committee.]

5 10 15 20	87.	A	the
WH ER EA S it is expedient to consolidate and amend the Acts for the appointment of Constables and of Magistrates in Ireland in certain cases; BE it th<u>e</u>r<u>e</u>f<u>o</u>r<u>e</u> En<u>a</u>ct<u>e</u>d, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act the following Acts and parts of Acts, (that is to say) an Act passed in the fifty-fourth year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act to provide for the better Execution of the Laws in <i>Ireland</i>, by appointing superintending Magistrates and additional Constables in certain Cases," except so far as the said Act enables the Lord Lieutenant to change the districts for holding Civil Bill Courts in Counties; an Act passed in the fifty-fifth year of the reign of his said late Majesty King GEORGE the Third, to amend the said Act; and another Act passed in the fifty-fifth year of his said late Majesty, intituled, "An Act to enable Grand Juries to present additional Sums for Constables in <i>Ireland</i>, and for the secure Conveyance of Prisoners," except so much of the said last-mentioned Act as relates to the expenses of removing transported felons, and of the conveying persons charged with treason or felony to gaol; an Act passed in the fifty-seventh year of the reign of his said late Majesty, to amend the said two first-mentioned Acts of the fifty-fourth and fifty-fifth years of his said late Majesty's reign; so much of an Act passed in the fifty-ninth year of the reign of his said late Majesty King GEORGE the Third, intituled, "An Act to enable Justices of			
Preamble.			
1.			
Acts repealed.			
54 G. 3. c. 131.			
55 G. 3. c. 13.			
55 G. 3. c. 158.			
57 G. 3. c. 22.			
59 G. 3. c. 91.			

the Peace in Ireland to act as such in certain Cases out of the Limits of the Counties in which they actually are; to make Provision for the Execution of Warrants of Distress granted by them, and to authorize them to impose Fines upon Constables and other Officers for neglect of Duty, and on Masters for ill-usage of their Apprentices," as enables Justices to impose fines upon Constables; 5
 3 G. 4. c. 103. an Act passed in the third year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for the Appointment of Constables, and to secure the effectual Performance of the Duties of their Office, and for the Appointment of Magistrates in *Ireland* 10
 5 G. 4 c. 28. in certain Cases;" an Act passed in the fifth year of the reign of his said late Majesty King GEORGE the Fourth, intituled, "An Act to amend an Act of the third year of his present Majesty's reign, for the Appointment of Constables in *Ireland*;" an Act passed in 15
 9 G. 4 c. 63. the ninth year of the reign of his said late Majesty King GEORGE the Fourth, intituled, "An Act to amend Two Acts of the third and fifth years of his present Majesty, for the Appointment of Constables in *Ireland*," shall be and the same are hereby Repealed, save so far as the said Acts or any of them repeal any other Act, and save so far as herein to the contrary provided, and also save with respect 20
 to the Superannuation Allowances granted at any time before the passing of this Act to any Chief or other Constables appointed under the said Acts or any of them, and save and except as to any act, matter or thing which may have been previously done in the exercise of the powers, duties, authorities and functions given by the 25
 said Acts or any of them, every which act, matter and thing shall be and remain valid and effectual to all intents and purposes as if this Act had not passed.

2.
 Existing Magistrates, Inspectors, Constables, &c. to continue until it is notified in the *Dublin Gazette* that a Constabulary Force is fully organized according to this Act;

upon such Notification their Appointments to cease, and the Houses, Furniture, Horses,

Provided always, and be it Enacted, That the Magistrates, Inspectors, Superintendents, Clerks, Chief and other Constables, Sub-Constables, Officers and other Persons heretofore appointed, or acting 30
 under the said hereinbefore recited Acts, or any of them, in any county, county of a city, or county of a town, barony, or other district, shall and they are hereby respectively authorized and required, notwithstanding the passing of this Act, to continue to discharge and execute 35
 their several duties and offices, with the like powers, privileges and authorities, and subject to the like obligations, restrictions, liabilities, directions and regulations as heretofore, until it shall be notified by a notice to be inserted in the *Dublin Gazette* by the Inspector General to be appointed under this Act, that the Constabulary Force for 40
 such county, county of a city, or county of a town, is fully organized according to the provisions of this Act; and upon such notification the appointments and offices of all such Magistrates, Inspectors and Superintendents, Clerks, Chief and other Constables, Sub-Constables and Officers and other Persons shall become and be void, and they shall

shall severally discontinue acting under the said recited Acts ; and all the houses, outhouses, appurtenances, furniture, horses, arms, accoutrements, saddles, bridles, clothing, books, papers and appointments, articles and things whatever rented, held or provided for their use respectively under the said recited Acts, or any of them, shall be applied, transferred, employed and converted to the use and accommodation of the Constabulary Force so organized, and the right, property and interest therein shall immediately, upon such notification, vest in the Receiver for the Constabulary Force of *Ireland* to be appointed under this Act.

Arms, &c. to be transferred to the new Force.

And be it Enacted, That it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, by warrant under his or their hands, to nominate and appoint One fit and proper person to be Inspector General of Police throughout *Ireland*, who shall reside in *Dublin*, and shall be charged and invested with the general direction and superintendence of the Force to be established under this Act ; and to appoint from time to time, when and as he or they may think necessary, One or Two fit and proper persons to be Deputies to the said Inspector General, and to appoint any fit and proper persons to be Clerks in the office of such Inspector General ; and every such Inspector General and Deputy Inspector General shall, on his appointment to such office, forthwith take, before any Two Magistrates, the oaths by law required to be taken by Justices of the Peace in *Ireland*, and also the oath hereinafter contained, and shall thereupon be and become without further qualification or appointment, and continue so long as he shall hold the said office, but no longer, a Justice of the Peace for every county, county of a city, county of a town, and town and liberties in *Ireland*.

3.
Power to the Lord Lieutenant to appoint an Inspector General and Two Deputy Inspectors.

AND in order to provide for one uniform system of Rules and Regulations throughout the whole establishment of Police in *Ireland* ; BE it Enacted, That it shall and may be lawful for such Inspector General, with the approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, from time to time to frame (subject to such regulations as the Lord High Treasurer or Lords Commissioners of the Treasury, or any Three or more of them, may from time to time establish in respect of the particular fiscal duties to be discharged by the Receiver and Paymasters to be appointed under this Act) rules, orders and regulations for the general government of the several persons to be appointed under this Act, as well with respect to the places of their residence, their classification, rank and particular services, the extent and limit of their respective duties, and their conduct and proceedings in the performance thereof, or of any duties imposed on them by law, their distribution and inspection, as to the description of the arms, accoutrements and other necessities

4.
Power to Lord Lieutenant to make Rules.

to be furnished to them, and which of them shall be supplied with horses, and all such other matters relative to the said Police Force as may be necessary for the purpose of preventing neglect or abuse, and for rendering the said Force efficient for the discharge of the several duties thereof.

5

5.
Power to Lord
Lieutenant to
appoint Coun-
ty Inspectors.

And be it Enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in like manner from time to time to appoint in and for each of the three counties hereinafter mentioned, that is to say, for the counties of *Cork*, *Tipperary* and *Galway*, Two persons to be County Inspectors of Police, 10 and in and for each and every other county, county of a city, and county of a town, except the county of the city of *Dublin*, One person to be a County Inspector of Police, and each such County Inspector shall be charged and invested with the general government, direction and superintendence of the Police Force 15 to be established within such counties respectively, and within any town and liberties locally situate within such county; and each such County Inspector shall, on his appointment to such office, forthwith take the oaths by law required, in such manner as by law prescribed to be taken by Justices of the Peace in *Ireland*, and the 20 oath hereinafter provided, and shall thereupon be and become without further qualification or appointment a Justice of the Peace in and for the county, and in and for each county, county of a city, and county of a town, town and liberties, adjoining to or locally situate within the county for which he shall be appointed Inspector so long as 25 he shall hold the said office, but no longer: Provided always, That the same person or persons may be appointed such County Inspector or Inspectors for any County at large, and for any County of a City or County of a Town, locally situate within the same or adjoining thereto, if it shall be deemed unnecessary to appoint a 30 separate Inspector for such County of a City or County of a Town.

6.
Power to Lord
Lieutenant to
appoint Pay-
masters, Store-
keepers and
Clerks.

And be it Enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by warrant under his or their hand or hands, to nominate and appoint for each of the said counties of *Cork*, *Tipperary* and *Galway*, Two persons to 35 be Paymasters, Storekeepers and Clerks respectively, to the County Inspectors appointed therein; and in and for each and every other county, county of a city and county of a town, except the county of the City of *Dublin*, One person to be Paymaster, Storekeeper and Clerk to the County Inspector appointed therein; and every 40 such Paymaster shall, before entering upon the duties of his office, give security to His Majesty in a bond with Two suréties in such sum as the Commissioners of His Majesty's Treasury of the United

United Kingdom of *Great Britain* and *Ireland* shall direct, such bond to be conditional for the faithful accounting and due application of all monies which shall come to his hands, and for the due and faithful execution of all other duties of his office.

5 And be it Enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by warrant in like manner from time to time to nominate and appoint in and for each of the said Counties of *Cork*, *Tipperary* and *Galway*, any number not exceeding Two fit and proper persons to be Sub-Inspectors of Police, to act for such districts as may be assigned to them
10 respectively in aid of the County Inspectors, and under and subject to their direction and control, and in like manner to appoint in and for any and every other County and County of a City and County of a Town in *Ireland*, except the County of the City of *Dublin*,
15 any number not exceeding One Sub-Inspector to act for such County in aid of and under the like direction and control of the Inspector thereof; and each such Sub-Inspector shall on his appointment forthwith take the oaths hereinafter prescribed, and shall thereupon be
20 and become invested with all such power and authority for the preservation of the peace and the apprehension of offenders, as may belong to any Chief or other Constable appointed under this Act, so long as he shall hold such office, but no longer.

7.
Power to Lord Lieutenant to appoint Sub-Inspectors.

And be it Enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* from time to time,
25 as he or they shall think fit, to remove any Inspector General, Deputy Inspector General, County Inspector, Sub-Inspector, Paymaster or Clerk, who may be appointed under this Act, and upon any vacancy in any of the said offices or appointments by death, removal, disability or otherwise, to nominate and appoint some other fit and proper
30 Person to fill the same.

8.
Power to Lord Lieutenant to remove Inspectors General, &c.

And be it Enacted, That it shall be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to appoint from time to time, at his will and pleasure, in and for each County, County of a City, County of a Town, Town and Liberties in *Ireland*,
35 except the said county of the City of *Dublin*, such number of Chief Constables, Head Constables, Constables and Sub-Constables as may be deemed by him or them to be necessary and sufficient for the preservation of the peace therein, and from time to time, as to him or them shall seem fit, to dismiss any such Chief or other
40 Constable or Sub-Constable, and upon any vacancy in any of the said offices by death, removal or otherwise, to appoint some other fit and able Person to fill the same; and all such Chief and other Constables shall have all such powers, authorities, privileges and

9.
Power to Lord Lieutenant to appoint Chief and other Constables.

advantages, and be liable to all such duties and responsibilities as any Constable duly appointed now has or hereafter may have, either by the common law or by virtue of any statute now or hereafter to be in force in *Ireland*, but shall be guided in the performance of such duties according to the rules and regulations to be made as hereinbefore provided. 5

10.

Constables to attend Magistrates and execute their Warrants.

And be it Enacted, That every Sub-Inspector, Chief Constable, Head Constable, Constable and Sub-Constable to be appointed under this Act, shall, when not engaged on actual duty, attend on the Justices of the Peace at their several General or Quarter Sessions, and also at their Petty Sessions, which shall be held at the respective places where such Sub-Inspector, Chief or other Constable or Sub-Constable may be stationed, and shall obey and execute all the lawful warrants, orders and commands of such Justices at such sessions, in all cases civil and criminal: Provided always, That no Sub-Inspector, Chief or other Constable or Sub-Constable shall be employed under such authority in the recovery of Tithes, or Tithe Composition, or in the levy of Rents, or enforcement of any other civil rights, by distress, or in the levying of Fines or Penalties under any Act or Acts relating to the Revenue in *Ireland*, nor in the enforcing of any Acts relating to the laws for the preservation of game or fish, except only in cases where forcible resistance shall have been actually made and proved by information taken on oath, or unless by the special orders and directions of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*. 10 15 20 25

11.

Constables to execute all Process to them directed.

And be it Enacted, That, except as aforesaid, every Sub-Inspector, Chief Constable, Head Constable, Constable and Sub-Constable appointed under this Act shall, within his jurisdiction, execute all processes to him directed for levying the amount of any fine or fines which shall be imposed under any Act in force in *Ireland*, or for levying the amount of any recognizance forfeited to His Majesty, His heirs and successors, or of any fines imposed on any Jurors, Witnesses, Parties or Persons at any Assizes, or Commission of Oyer and Terminer, or gaol delivery, or sessions of the peace; and when any warrant, order or command of any Magistrate shall be delivered or given to any such Head Constable or Sub-Constable, he shall, if the time will permit, show or deliver the same to the Chief Constable under whose immediate command such Head Constable or Sub-Constable shall then be, and such Chief Constable shall nominate and appoint, by indorsement thereon, such one or more of the Constables under his orders, and such Assistant or Assistants to him or them, as such Chief Constable shall think proper, to execute such warrant, order or command; and every such Constable whose name shall be so indorsed, and every such Assistant as aforesaid, shall have 30 35 40

have all and every the same rights, powers and authorities for and in the execution of every such warrant, order or command, as if the same had been originally directed to him or them expressly by name.

12. Oath to be taken by Persons appointed under this Act.

- 5 And be it Enacted, That no Person appointed under this Act to be an Inspector, Deputy or Sub-Inspector, Receiver, Magistrate, Paymaster, Clerk, Chief or other Constable or Sub-Constable, shall be capable of holding the said office, or of acting in any way therein, until he shall take and subscribe the Oath here following;
10 (that is to say)

“ I, A. B., do swear, That I will well and truly serve our Sovereign Lord the King in the Office of Inspector, Deputy or Sub-Inspector, Receiver, Paymaster, Clerk, Magistrate, Chief Constable or Head Constable [or, Constable, or, Sub-Constable, as
15 the case may be], without favour or affection, malice or ill-will; that I will see and cause His Majesty's peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same; and that while I shall continue to hold the said office, I will, to the best of my skill and know-
20 ledge, discharge all the duties thereof, in the execution of Warrants and otherwise, faithfully according to law; and that I do not now belong, and that I will not, while I shall hold the said office, join, subscribe or belong to any political or secret Society whatsoever.

25 “ So help me GOD.”

And the said oath shall be administered either at general or petty sessions, or otherwise, by any Two Magistrates, and shall in all cases be subscribed by the Person taking the same; and the said Oath shall be administered by any Two Magistrates, either in open Sessions
30 or otherwise, and such Magistrates shall forthwith give to the Person taking the same, a Certificate thereof under his hand, such Certificate to be forwarded to the Chief Secretary of the Lord Lieutenant, or the Under Secretary, or to such Person as he may appoint.

And be it Enacted, That if any Sub-Inspector, Chief or other
35 Constable or Sub-Constable shall neglect or refuse to obey and execute any Warrant hereby directed to be by him executed, or shall be guilty of any neglect or violation of duty in his office, every such Sub-Inspector, Chief or other Constable, shall forfeit and incur such penalty, not exceeding Five Pounds, as any Two or more Jus-
40 tices of the Peace, after examination upon oath of One or more credible witness or witnesses, or upon confession of the party, shall think proper to impose or inflict, and the amount of such
87. A 4 penalty

13. Penalty not exceeding 5*l.* may be imposed on Chief and other Constables for violation of duty.

penalty shall and may be deducted from and out of any salary accruing due to such offender under this Act; upon a Certificate thereof to be by the Justices before whom he may be convicted transmitted to the Paymaster of the County; or in case no salary shall be due to such offender, then such penalty shall, if not paid upon conviction as aforesaid, be levied by distress and sale of the goods and chattels of the offender: Provided always, That it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors to mitigate or remit any such penalty. 5

14.
Constables
dismissed to
lose their
Powers and
deliver up
Arms, &c.

And be it Enacted, That when any Chief or other Constable or Sub-Constable shall be dismissed from or shall cease to hold and exercise his office, all powers and authorities vested in him as a Constable shall immediately cease and determine, to all intents and purposes whatever; and if any Constable or Sub-Constable shall not, within One Week after he shall be dismissed from or shall cease to hold and exercise his office, deliver over all and every the arms, ammunition and accoutrements, horse, saddle, bridle, clothing and other appointments whatsoever, which may have been supplied to him for the execution of such office, to the Paymaster for the County, or to such Person, and at such time and place as shall be directed by the said Paymaster, every Person making default herein shall, upon conviction for such offence before any Two or more Magistrates, upon oath of one or more credible witness or witnesses, or upon his own confession, be subject and liable to imprisonment in the Common Gaol or House of Correction for any such period not exceeding the term of Three calendar Months, as such Magistrates shall think proper to direct; and it shall be lawful for such Magistrates, and they are hereby authorized and required to commit every such offender accordingly, and to issue their warrant to search for and seize to the use of His Majesty, all and every the arms, ammunition, accoutrements, horses, saddles, bridles, clothing and other appointments whatsoever, which shall not be so delivered over, wherever the same shall be found. 10 15 20 25 30

15.
Constables
not to resign
without leave.

And be it Enacted, That no Head Constable, Constable, or Sub-Constable to be appointed under this Act shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly authorized so to do in writing by the County Inspector, or Sub-Inspector under whom he may be placed, or unless he shall give to such Inspector One Month's notice of his intention so to resign or withdraw; and if any Head Constable, Constable or Sub-Constable shall so resign or withdraw himself without such previous permission or notice, he shall for such offence forfeit and pay a penalty not exceeding Ten Pounds upon conviction before Two Justices 35 40

Justices of the Peace; and it shall and may be lawful for such Justices, in case such penalty shall not be paid, to commit such Person to the Common Gaol or House of Correction for any period not exceeding Three calendar Months; and all penalties so to be
 5 levied shall be paid to the Paymaster or one of the Paymasters of the County, to be applied and accounted for as hereinafter directed.

16.

CLAUSE (A.)
 County In-
 spectors, &c.
 to be exempt
 from Tolls.

And be it Enacted, That all County Inspectors, Sub-Inspectors, Chief and other Constables and Sub-Constables, appointed and acting under this Act, being on actual duty, and in proper dress or
 10 undress as such, and all prisoners under their charge, and all carriages and horses exclusively employed in carrying or conveying such persons or their prisoners or baggage, or returning therefrom, and not otherwise engaged or employed, shall be exempted from pay-
 15 ment of any Duties and Tolls on passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or to be made; and any Toll Collector who shall demand and receive any duty or toll contrary to this Act, shall forfeit and pay any sum not exceeding Ten Pounds for every such offence, to be recovered
 20 by distress and sale of the goods and chattels of such person so offending, on conviction in a summary way before as Justice of the Peace, the same to be paid to the person from whom such duty or toll shall have been received, and to be applied as any penalties payable to any Chief or other Constable are directed by this Act to be applied.

17.

CLAUSE (B.)
 County In-
 spectors, &c.
 not to be liable
 to serve as
 Church-
 wardens or
 Jurors, &c.

And be it further Enacted, That no Inspector-General, Deputy-
 25 Inspector, Receiver, Paymaster, County Inspector, Sub-Inspector, Chief or other Constable or Sub-Constable appointed and acting under this Act, shall be liable to serve the office of Churchwarden, Parish Overseer or Constable, or to serve as a Juror in any case,
 30 civil or criminal, or to be chosen or ballotted to serve in the militia, or subject to any fine, penalty or punishment whatsoever for declining or refusing to serve in any such capacity.

18.

CLAUSE (C.)
 Oaths may be
 administered
 on Police
 Inquiries.

And be it further Enacted, That it shall and may be lawful to and for the Inspector General or Deputy Inspector General to be ap-
 35 pointed under this Act, or either of them, or any other Person or Persons to be nominated for the purpose from time to time, by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the time being, to examine on oath into the truth of any charges or complaint preferred against any Person to be appointed under
 40 this Act, of any neglect or violation of duty in his office, and to report thereon to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*; and any Person who on any such inquiry or on any other occasion on which an oath may be administered under this Act, shall give false evidence, or take a false oath, and be thereof

duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such pains and penalties as Persons convicted of wilful and corrupt perjury are or may be subject and liable to.

19.

Penalty on unlawful possession of Arms, &c. supplied to Constabulary, and on assuming Dress, Name, &c. of Constables, &c. 10 l. or Three Months imprisonment.

And be it further Enacted, That if any Person not appointed and acting under this Act, shall have in his or her possession any 5 arms or ammunition, or any article of clothing, accoutrements or appointments, supplied to any Person under this Act, and shall not be able satisfactorily to account for his or her possession thereof, or shall put on or assume the dress, name, designation or description of any Person or Persons, or of any class of Persons appointed under 10 this Act for the purpose of thereby obtaining admission into any house or other place, or of doing or procuring to be done any other act which such Person or Persons so putting on or assuming such dress, name, designation or description, would not by law be entitled to do, or procure to be done of his or their own authority, every 15 such Person so offending shall, in addition to any other punishment to which he or she may be liable for such offence, forfeit and pay for every such offence any sum not exceeding the sum of Ten Pounds, to be recovered by distress and sale of the goods and chattels of such offender, on summary conviction before Two Justices 20 of the Peace, or in default of payment thereof, shall be imprisoned for any period not exceeding Three calendar Months; such penalty to be paid to one of the County Paymasters appointed under this Act, and by him paid over to the Receiver, to be applied by him in aid of the Police Reward Fund provided in and by this Act. 25

20.

CLAUSE (D.) Persons holding Situations under former Acts, and appointed under this Act, only to pay Stamp Duty on the difference in value of the Appointments.

And be it further Enacted, That no Person already appointed and now acting under the said recited Acts or any of them, who shall be appointed to any situation under this Act, shall be liable to pay any new or greater or other Stamp Duty on such new appointment than would be payable by law on an appointment to a 30 situation of the annual value of the difference, if any, between the annual value of the situation now held by such Person, and the annual value of such new situation.

21.

Inspectors, &c. may be ordered to other Counties.

And be it Enacted, That it shall and may be lawful for the Inspector General, subject to the direction and control of the said Lord Lieutenant, or other Chief Governor or Governors, from time to time as 35 may be deemed expedient, to order and direct that every or any the Inspectors, Sub-Inspectors, Paymasters, Chief or other Constables, or that the whole or any number of Chief or other Constables, or of Sub-Constables, of any county, county of a city, county of a town, or town 40 and liberties, shall go and repair to such place or places in any other county or counties, or in any county of a city, or county of a town, or town and liberties in *Ireland*, as shall be mentioned in such Order, and shall

shall remain there for such length of time, or remove to, or remain at any other place or places in the same or any other county, city or town for such time and times, and shall return to his or their original county, city or town at such time and times respectively as shall be mentioned or directed in or by such Order, or by any other order or orders which may from time to time be made by such Inspector General, subject to the like direction and control, and that such Inspectors, Sub-Inspectors, Paymasters, Chief and other Constables and Sub-Constables, when so removed, shall have the same rights, powers and authorities, and be subject to the same rules, regulations and orders, and be in all respects in the same situation in the county or other districts to which they shall be so removed, as if they had been originally appointed in and for such county or district.

And be it Enacted, That where any such Order as last aforesaid shall be acted upon, all expenses to be incurred for the purposes of this Act by any Inspector, Sub-Inspector, Paymaster, Chief Constable, or other Constable or Sub-Constable, shall, during such time as he shall be or remain in any county, be defrayed in the same manner in all respects by such county as if he had been originally appointed in and for the same.

22.

Their Expenses to be defrayed by the county to which they are removed.

And be it Enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to fix and appoint such annual Salaries as to him or them may from time to time seem proper, not exceeding the several sums hereinafter specified, to be paid in such manner, and subject to such regulations and provisions as he or they may direct to the several Persons appointed under this Act; (that is to say) to the Inspector-General of Police, an annual Salary not exceeding One thousand five hundred Pounds; to each Deputy Inspector, an annual Salary not exceeding Eight hundred Pounds; to the Receiver of the said Constabulary Force, an annual Salary not exceeding Six hundred Pounds; to each County Inspector, an annual Salary not exceeding Five hundred Pounds; to each Sub-Inspector, an annual Salary not exceeding Two hundred and fifty Pounds; to each Paymaster, an annual Salary not exceeding One hundred Pounds; to each Chief Constable, an annual Salary not exceeding One hundred and fifty Pounds; to each Head Constable, an annual Salary not exceeding Seventy Pounds; to each Constable, an annual Salary not exceeding Thirty-five Pounds; to each Sub-Constable, an annual Salary not exceeding Twenty-five Pounds; and to the Clerks in the office of the Inspector-General, annual Salaries not exceeding in the whole for all such Clerks the sum of Eight hundred Pounds; and a rateable proportion of such Salaries shall be payable for any portion of a year during which any Person entitled thereto may serve or have served, and in case of the dismissal of any such Person and the im-

23.

Power to Lord Lieutenant to fix Salaries of Inspectors, &c.

sition upon him of any fine or penalty under the provisions of this Act, it shall be lawful to retain and deduct the amount thereof from and out of the Salary due or accruing due to such Person.

24.

CLAUSE (E.)
Employments
under this Act
not to prevent
the holders
from receiving
half pay.

Provided always, and be it Enacted, That no office or employment under this Act shall prevent the holder thereof from receiving any half-pay to which, if he did not hold such office or employment, he might be or become entitled under any Act passed, or hereafter to be passed, unless it shall be specially mentioned and provided in such Act, that Persons holding appointments under this Act shall not receive half-pay.

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25.

Power to
Lord Lieu-
tenant to ap-
point resident
Magistrates.

And be it Enacted, That in any case in which it shall appear to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* that owing to the absence or non-residence of a Magistrate in any county, county of a city, county of a town, or town and liberties, or in any district of any county, or for any other sufficient cause to be expedient, it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, whenever he or they shall think it requisite and necessary so to do, to appoint during his or their pleasure, One or more Persons not exceeding Four in the whole for any county, and not exceeding Two in the whole for any county of a city or county of a town, to be Magistrates for said county, county of a city, county of a town, or town and liberties, or for any part or district of any county, or for any district consisting of any parts of any two or more adjoining counties, or for any one or more barony or baronies in any county in *Ireland*, or for any district consisting of any county, and of a county of a city, or county of a town, town and liberties, or city and county, or any part or parts thereof respectively, and from time to time, to dismiss or remove any such Magistrate at his or their will and pleasure; and every Magistrate who shall be so appointed under this Act shall on his appointment forthwith take the Oaths by law required, and in such manner as such Oaths are by law required to be taken by Justices of the Peace in *Ireland*, and he shall thereupon to all intents and purposes be and become a Justice of the Peace in and for the county or counties, or city or town, in and for which he shall be appointed to be such Magistrate as aforesaid, and also for each and every county at large, or county of a city, or county of a town, town and liberties, or city and county adjoining to or locally situate within such his proper county, city or town, and shall, have within such adjoining county, city or town all the authority necessary for the due execution of the provisions of this Act.

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26.

Salary of such
Magistrates.

And be it Enacted, That every such Magistrate, while he shall hold such Office, shall have and receive such Salary by the year, not exceeding the sum of Four Hundred Pounds, and rateably for any shorter

shorter period, as the Lord Lieutenant or other Chief Governor or Governors shall from time to time direct, and also such Allowance for Forage as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall think fit: Provided always, That if any Person now
 5 acting as a Magistrate under any of the hereinbefore recited Acts shall be appointed to act as a Magistrate under this Act, it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors to allow him any annual Salary and Allowances not exceeding the amount of the Salary and Allowances enjoyed by such Person as such Magis-
 10 trate under the said Acts or any of them.

And be it Enacted, That it shall and may be lawful to and for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any Three or more of them for the time being, to order that any such Sum or Sums as he or they shall think proper shall, from time to time,
 15 be advanced and paid out of the produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, arising in *Ireland*, for the payment of the several Salaries and Allowances, and the purchase of arms, accoutrements, horses, bridles, saddles, appointments, houses, outhouses, furniture, and accommodations aforesaid; and also for all
 20 rents and taxes payable for and in respect of such houses, outhouses, and for repairing all such houses and outhouses from time to time, and for the forage of such horses, and for the expense of the Magistrates, Inspectors, Chief or other Constables or Sub-Constables when they shall respectively be absent on duty from their residences under
 25 the authority of this Act, and for all other necessary and reasonable costs, charges and expenses incurred or to be incurred in the execution of this Act; and all money so issued shall be paid to the Receiver of the Constabulary Force of *Ireland* to be appointed as hereinafter mentioned with such securities, and under such rules and regulations
 30 as the said Lord High Treasurer, or the Commissioners of the Treasury, or any Three or more of them, shall from time to time appoint and direct.

And be it Enacted, That one Moiety of all Monies so advanced out of the produce of the Consolidated Fund for all or any the purposes of
 35 this Act (except so much of said Advances as shall be for the Salaries and Expenses of the Inspector General, his Deputies and Clerks, and of all Magistrates to be appointed as aforesaid, and of the Receiver for the said Constabulary Force and of the Paymasters in the several counties,) and also one Moiety of all Superannuation
 40 Allowances and Gratuities to be appointed or given to any Person under any of the said recited Acts or this Act, and not directed to be charged on the Fund hereinafter provided, nor otherwise excepted, shall be raised by Grand Jury Presentment off each county, county of a city, or county of a town, to which the same shall be declared by

27.
Expenses of Constables to be advanced out of the Consolidated Fund.

28.
One moiety of such Advances to be repaid by the county.

the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to relate, and in or for which such expenses shall be or shall have been incurred ; and one Moiety of the Salary and Expenses of any Stipendiary Magistrate appointed under this Act, shall be in like manner raised and repaid by Grand Jury Presentment off the County, Barony or District, county of a city, or county of a town wherein such Magistrate may be appointed to act ; and in case of Superannuation Allowances and Gratuities it shall be lawful for the said Lord Lieutenant, or other Chief Governor or Governors, to apportion the Moiety thereof among the counties in which the respective Persons declared entitled thereto shall have served in such manner as such Lord Lieutenant or other Chief Governor or Governors shall think fit.

29.
Inspector
General to
ascertain the
sums charge-
able to each
county and
certify, the
same to the
Grand Jury.

And be it Enacted, That the Inspector General to be appointed under this Act shall, with the assistance of the Receiver, in sufficient time before each Assizes and Presenting Term, ascertain the amount of the Monies chargeable under the provisions of this Act on each county, county of a city, or county of a town, or any part of any county, and shall make out a Certificate thereof under his hand, specifying the Force or Service in respect whereof such Charge may have been incurred and transmit the same when approved and certified by the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors to the Secretary of the Grand Jury for such County, County of a City, and County of a Town, One Week before said Assizes and Presenting Term, who shall lay the same before the Grand Jury ; and thereupon it shall be lawful for such Grand Jury, and they are hereby required to make a Presentment for the Amount stated in such Certificate, or in any previous certificate, the amount whereof shall not have been already presented, to be raised from off the county at large, county of a city or county of a town, or city and county respectively, in the same manner as any presentment for constables may by law be now raised therefrom ; and it shall not be lawful for the Court at any Assizes or Presenting Term to fiat any Presentment for raising any other Money until such Presentment for such Expenses be first made and allowed ; and whenever the amount stated in such certificate shall be levied, the same shall be paid to such Bank or Person and in such manner as the Lords of the Treasury or the Commissioners of the Treasury or any Three of them shall from time to time think fit to direct and appoint ; and thereupon, but not before, as to all Sums mentioned in such Certificate as aforesaid, such county shall be deemed to be discharged.

30.
Monies to be
lodged in
Bank of
Ireland.

And be it Enacted, That it shall be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or any Three or more of them, to appoint a Person to receive all sums of money applicable to the purposes of this Act, who shall be called "The Receiver

Receiver for the Constabulary Force of *Ireland*," and the said Lord High Treasurer or the said Commissioners, or any Three or more of them, may remove any such Person if he or they shall see occasion so to do, and may, upon any vacancy in that office by death, removal or
 5 otherwise, appoint another Person to be such Receiver; and the Receiver for the time being shall give security to His Majesty in a Bond, with two sureties, in such sum as the said Lord High Treasurer or the said Commissioners of the Treasury, or any Three or more of them, shall direct, such Bond to be conditioned for the faithful performance of
 10 his duty by such Receiver, and for the due application of all monies paid to him under this Act, and the Receiver for the time being shall receive all Sums of Money applicable to the purposes of this Act, and shall keep an exact and particular account thereof, and shall immediately pay all Monies, Bills and Notes by him received under this Act into
 15 the hands of the Governor and Company of the Bank of *Ireland*, and the same shall be placed to an account in the books of the said Governor and Company, which shall be intituled, "The Account of the Public Monies of the Receiver for the Constabulary Force in *Ireland*," and such Receiver shall draw out of the said Bank, from time to time
 20 such sums of money as may be necessary for the payment of the Salaries and Allowances payable under this Act, and of all other charges and expenses attendant upon the execution of the same, and shall from time to time transmit to the Paymasters of the several Counties the monies required to defray all such salaries, charges and
 25 expenses within such Counties respectively: Provided always, That the said Receiver and the said Paymaster shall be governed in respect to all their pecuniary transactions, whether of receipt or payment, and in respect of the periods in which and for which they shall severally and respectively deliver their accounts of such receipts and payments,
 30 accompanied by the proper and necessary vouchers in support thereof; and as to the manner in which such accounts shall be kept and prepared and exhibited for audit, by such rules and regulations as shall be issued in that respect from time to time by the Lord High Treasurer, or the Commissioners of the Treasury, or any Three or more of them; and every draft or order for money on the Bank of *Ireland*, drawn by
 35 the Receiver, shall be countersigned by the Inspector General, or by one of his Deputies; and all drafts and orders so drawn and countersigned, but not otherwise, shall be a sufficient authority to the Bank to pay the amount thereof to the Persons named therein, or to the bearers of them.

40 And be it further Enacted, That the said Receiver and the said Paymaster shall be and be deemed to be Public Accountants, and shall be subject to the regulations and penalties in force in respect of Public Accountants; and that their accounts shall be submitted to and examined by the Commissioners for Auditing the Public Accounts, or by

31.
 Monies to be accounted for, and Accounts to be examined by the Commissioners of Public Accounts.

such Person or Persons as the Lord High Treasurer, or the Commissioner of His Majesty's Treasury, or any Three or more of them shall direct.

32.
Receiver to
make Con-
tracts, and all
the Property
acquired
under this Act
to be vested
in him.

And be it Enacted, That the said Receiver for the time being shall make all such Contracts as shall be necessary for purchasing or renting any Lands or Buildings, or for erecting, fitting up, furnishing or repairing any Buildings for the purposes of this Act, in such manner as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall direct, and the right, title, property and interest to and in all Lands and Buildings, and in and to the fixtures and furniture thereof, and in and to all goods and chattels whatsoever to be from time to time held, rented or purchased for the purposes of this Act, shall be vested in the said Receiver for the time being, in whom shall be vested the property in and to all arms, accoutrements, horses, saddles, bridles and other necessities to be at any time furnished to the said Constabulary Force, and the said Receiver for the time being may, sell, assign or dispose of the whole or any part of any such property as aforesaid, and as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall from time to time direct, and the monies arising from such sale or disposition, shall be carried to and make part of the funds arising to the credit of the account of the said Receiver at the Bank of *Ireland*: Provided always that it shall be lawful for the said Lord High Treasurer or Lords Commissioners, or any Three or more of them, from time to time to establish such regulations as he or they may think proper, in respect of all contracts to be entered into, or purchases or payments for or on account of the said Constabulary Force, which several rules and regulations shall be certified by the said Commissioners of the Treasury to the said Receiver, and to the several and respective Paymasters of the several Counties, and shall be of full force and authority, and shall be observed by all persons whatsoever, in relation to all matters and things therein contained.

33.
CLAUSE (F.)
Upon the
death or re-
moval of
Receiver, the
balance of
Cash at the
Bank shall be
transferred to
his successor.

And be it Enacted, That upon the death, resignation or removal of any Receiver appointed under this Act, the balance of cash for which he shall at that time have credit on his account as Receiver with the Governor and Company of the Bank of *Ireland*, shall, as soon as a successor shall be appointed to the office of Receiver, actually vest in such successor, and shall be immediately transferred to the account of such successor, to be applied for the purposes of this Act; and the Receiver for the time being is hereby required to issue his drafts or orders, countersigned by the said Inspector General or Deputy Inspector for all unsatisfied charges and demands payable out of the monies in the Bank, although the same shall have accrued in the time of any former Receiver.

And

34.

CLAUSE (G.)
Upon removal
of Receiver,
his successor
may sue for
any balance
remaining in
his hands.

And be it Enacted, That if any Person having resigned, or having been removed from the office of Receiver, shall neglect, within Twenty-one Days after notice for such purpose, to account for and pay to any succeeding Receiver all such sums of Money as shall remain in his hands, applicable to the purposes of this Act, it shall be lawful for the Receiver for the time being, in his own proper name only, or by name and description of office, to sue for and recover the same from such person, with double costs of suit in any of His Majesty's Courts of Record at *Dublin*, by action of debt; in which action it shall be sufficient for such Receiver to declare as for money had and received to the use of such Receiver for the purposes of this Act; and the defendant in the action may at the discretion of any Judge of such Court be held to Special Bail in such competent sum as the Judge shall order; and the Court in which the action shall be brought may, at the instance of either of the parties, refer the account in dispute in a summary manner to be audited by any officer of the Court, or other fit person, who may examine both Plaintiff and Defendant upon oath (which oath the said Referee shall have power to administer), and upon the report of such Referee, unless either of the parties shall show good cause to the contrary, the Court may make a rule, either for the payment of such sum as upon the report shall appear to be due, or for staying the proceedings in the action, and upon such terms and conditions as to the Court shall appear reasonable; or the Court may order judgment to be entered up by confession, for such sum as upon the report shall appear to be due.

Mode of
proceeding.

Special Bail.

Court may
refer the
accounts to an
Officer or
Arbitrator.

35.

CLAUSE (H.)
Mode of pro-
ceeding
against the
representa-
tives of a
deceased
Receiver.

And be it Enacted, That in case of the death of any Person during the time that he shall be holding the office of Receiver, or after he shall have resigned, or been removed from such Office, the Receiver for the time being may, in his own proper name only, or by his name and description of Office, sue for and recover from the executors or administrators of such Persons deceased, all such sums of money as shall have been remaining in his hands applicable to the purposes of this Act, in any of His Majesty's Courts of Record at *Dublin*; in which Action it shall be sufficient for the Plaintiff to declare that the deceased was indebted to the Plaintiff for money had and received to his use for the purposes of this Act, or that the deceased died possessed of money had and received for the purposes of this Act, whereby an Action hath accrued to the Plaintiff, to demand and have the same from such executors or administrators; and the like Action may be brought against any executors or administrators of executors or administrators; and in all such Actions the Defendant or Defendants may plead in like manner, and avail themselves of the like matters in defence, as in any Action founded upon simple contracts of the original Testator or Intestate; and the Court may refer the account in dispute to be audited by any Officer or Person, and may proceed upon the Report of such Referee in like

Proof of Receiver's official character.

manner as hereinbefore mentioned ; and in all Actions to be brought, as well as in all proceedings whatsoever to be instituted or carried on by any Receiver by virtue of this Act, proof of his acting in the execution of the Office of Receiver shall be sufficient evidence of his holding such Office, unless the contrary shall be shown in evidence by the Defendants in such Actions, or the Parties against whom such proceedings shall be instituted or carried on.

36.
Reputation to be evidence of Appointments.

And be it Enacted, That if any question shall arise as to the right of any Magistrate, or of any Inspector, Chief Constable, or Head Constable, or Sub-Constable, to hold or execute any such Office respectively, common reputation shall to all intents and purposes be deemed and held to be sufficient evidence of such right; and it shall not be necessary to produce any appointment or any oath, affidavit or other document or matter whatsoever in proof of such right.

37.
This Act not to extend to High Constables, Parish, or Leet Constables.

Provided always, and be it Enacted, That nothing in this Act contained shall extend or in anywise be deemed or construed to extend to repeal, affect or take away the election or appointment of High Constables by Grand Juries for the purpose of collecting the sums presented by such Grand Juries, or of Parish Constables, or Constables of any Leet in *Ireland*, or of Petty Constables of Baronies or Districts by Grand Juries, or by Magistrates at Sessions, or to take away, or diminish, or infringe the powers or authorities of any such Constables in any respect whatever; but no such Constable shall as such be entitled to any payment or salary under this Act.

38.
Fund to be provided for Superannuation Allowances, &c.

And be it Enacted, That there shall be deducted from the pay and salary of the several Persons appointed under this Act the sum of Two Pounds per centum per annum, and so rateably from any pay or salary not amounting to the sum of One hundred Pounds, which sum so deducted shall from time to time be remitted by the several Paymasters to the Receiver for the said Constabulary Force; and shall be invested in Government Stock, by and in the name of such Receiver, and the Interest and Dividends thereof, or so much of the same as shall not be required for the purposes hereinafter next mentioned, shall be likewise invested in such Stock, and accumulate, so as to form a Fund, to be called "The Police Superannuation Fund," and to be applied from time to time, as occasion may require, for the payment of such Superannuation or Retiring Allowances or Gratuities as may be, at any time from the passing of this Act, ordered or appointed from time to time by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, under the powers hereinafter given to him, to be charged on the said Fund, or payable thereout; and in case the Fund so accumulated shall be inadequate to pay such superannuations or retiring allowances,

ances, and in case of all superannuations, retiring allowances, or gratuities granted before the passing of this Act, and of all superannuations, retiring allowances or gratuities granted after the passing of this Act, which may not be so directed to be charged on the said
 5 Fund or payable thereout, One-half of such deficiency, superannuations, retiring allowances and gratuities shall be made up by Presentment of the Grand Juries of the respective counties, counties of cities and counties of towns, in such proportions as the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* shall from time to time direct
 10 and appoint, and the other half thereof shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, arising in *Ireland*.

And be it further Enacted, That it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of
 15 *Ireland*, in his or their discretion, upon the petition of any Magistrate, Inspector, Deputy-Inspector, County Inspector, Sub-Inspector, Chief or other Constable or Sub-Constable who shall have been appointed under this Act, or who may have been appointed and acted under said recited Acts or any of them, and in the case of any Chief Constable, upon such recommendations and certificates as such Lord Lieutenant or other Chief Governor or Governors shall require and direct, to order and direct that any such Magistrate, Inspector, Deputy Inspector, County Inspector, Sub-Inspector, Chief Constable or other Constable or Sub-Constable shall and may be superannuated, and shall and may
 20 receive such yearly Allowance, Remuneration, Superannuation or Gratuity, and upon such conditions, and not exceeding such proportions as to age, length of service, and other circumstances as hereinafter mentioned and provided for ; and thereupon such Person shall cease to hold such office ; and when such Person shall have served in more than one
 30 county, it shall be lawful for the Lord Lieutenant, or other Chief Governor or Governors, by warrant under his or their hand, to apportion on each county in which he may have served such portion of the Superannuation Allowance as he may think should be borne by such county ; and the yearly sum to which any
 35 such Magistrate, County Inspector, Sub-Inspector, Chief or other Constable or Sub-Constable shall become so entitled, or the portion thereof, apportioned as aforesaid, shall be presented by the Grand Jury of the County on which it shall be chargeable, in two equal sums, one at each assize, during his life, on proof to the Grand Jury from time
 40 to time that the Person so entitled to such Superannuation is living, unless such yearly Allowance, Superannuation or Remuneration shall be by such Lord Lieutenant directed to be chargeable on the Police Superannuation Fund hereinbefore provided, which such Lord Lieutenant or other Chief Governor or Governors is and are hereby authorized and empowered to do : Provided, nevertheless, That unless such

39.
 Lord Lieutenant empowered to superannuate Inspector, &c. and Grand Jury shall present yearly allowances accordingly.

Superannuation Fund shall be adequate to discharge the several Allowances, Remunerations or Superannuations so charged upon and made payable thereout, it shall not be lawful for the said Lord Lieutenant to grant any such Allowance, Remuneration or Superannuation without the consent of the said Lord High Treasurer or Lords Commissioners of the Treasury, or Three or any more of them. 5

40.
Condition and
Proportions
of Allowances
to Constables
super-
annuated.

Provided always, and be it Enacted, That the conditions and proportions of such Allowance, Remuneration or Superannuation shall be as follows ; (that is to say) where any Person applying for the same shall be under Sixty years of age, it shall not be lawful to grant any such Allowance, Compensation, Remuneration or Superannuation unless as hereinafter provided, or upon certificate from such Persons as may be appointed by the Lord Lieutenant or other Chief Governor or Governors for the medical Inspection of Persons appointed under this Act, or any of said recited Acts, that such Person is incapable, from infirmity of mind or body, to discharge the duties of his office, in which case, if he shall have served with diligence and fidelity for Fifteen years, it shall and may be lawful to grant to him by way of Superannuation an annual sum not exceeding One-half of the salary of his office ; if above Fifteen years and less than Twenty, any sum not exceeding Two-thirds of such Salary ; if above Twenty years, any such sum not exceeding the whole of such Salary ; and if such Person shall be above Sixty years of age, and he shall have served Fifteen years or upwards, it shall and may be lawful, although there shall be no Certificate of Incapacity, from infirmity, or injury of body or mind, to grant him by way of Superannuation any annual sum not exceeding Two-thirds of the salary of his office ; if Sixty-five years of age or upwards, and he shall have served Forty years or upwards, any sum not exceeding Three-fourths of such salary ; if Sixty-five years of age or upwards, and he shall have served Fifty years or upwards, any such sum not exceeding the whole of such salary : Provided always, That if any such Person shall be disabled by any wound or injury received in the actual execution of the duty of his office, it shall and may be lawful to grant to him such yearly Allowance or Remuneration as may in the opinion of the Lord Lieutenant or Chief Governor or Governors of *Ireland* be proportioned to the nature of the injury received, without reference to the length of his service ; provided that such Allowance or Remuneration shall in no case exceed the whole of such salary ; and that in calculating the period for which any such Person has served, the time he may have served under any of such recited Acts shall be reckoned : Provided also, That every such yearly Superannuation Allowance may at the time of its being granted, or at any time afterwards, be commuted for a gratuity, payable immediately, at such rate as the Lord Lieutenant or the Chief Governor or Governors of *Ireland* for the time being may approve of. 40

Allowances
in case of
Wounds, &c.

And

And be it Enacted, That all Fines imposed on any Chief or other Constable under this Act, and all Penalties or proportions of Penalties and Damages awarded to any Chief or other Constable or other Person appointed under this Act by any Justice or Justices of the Peace, on
 5 any summary conviction, as the Prosecutor of any information or otherwise, shall be paid to the Paymaster of each county, county of a city or county of a town, in which such Fine shall be imposed or such conviction shall be had, and shall be by such Paymaster paid to the said Receiver to be appointed under this Act, in such
 10 manner as the said Lords Commissioners of the Treasury shall from time to time direct, so as that the same may form a Fund, to be called "The Police Reward Fund," to be invested in Government stock, by and in the name of such Receiver, and accumulate for the payment of such rewards, gratuities, bounties, pensions
 15 or other allowances as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* may from time to time award or direct, to be paid to any Person or Persons appointed under this Act, or to the Widows and Families of any such Person on his death; and that it shall and may be lawful to and for the Lord Lieutenant, or other Chief
 20 Governor or Governors of *Ireland* to direct, if he or they shall think fit, that any proportion, not exceeding Ten Shillings, in the year for every One Hundred Pounds of the Salary of every Person appointed under this Act, and so in proportion for any Salary less than One Hundred Pounds, shall, in addition to the deduction hereinbefore
 25 mentioned of Two Pounds per centum per annum towards the formation of the said Superannuation Fund, be deducted yearly from such Salaries, and added to the said Fund, and shall form part thereof.

41. Fines on Constables and Penalties payable to the Police to form a Fund to be called the "Police Reward Fund."

Provided always, and be it Enacted, That when any Action shall
 30 be brought against any Constable for any act done in obedience to the Warrant of any Magistrate, such Constable shall not be responsible for any irregularity in the issuing of such Warrant, or for any want of jurisdiction in the Magistrate issuing the same, and such Constable may plead the General Issue, and give such Warrant in evidence;
 35 and upon producing such Warrant, and proving that the signature thereto is the hand-writing of the person whose name shall appear subscribed thereto, and that such person is reputed to be and acts as a Magistrate of such County or District (as the case may be), and that the act or acts complained of were done in obedience to such War-
 40 rant, the Jury who shall try the said issue shall find a verdict for such Constable, and such Constable shall recover his costs of suit.

42. For protection of Constable in executing warrant.

And be it Enacted, That each such Paymaster shall keep Accounts of all sums received and of all payments and disbursements made on account of the Constabulary Force in each county; and that
 87. such

43. Each Paymaster to keep Accounts of Receipts and Payments to be submitted

half-yearly to
the Grand
Jury.

such Accounts shall be made up once in every month, and oftener if required, and transmitted to the said Inspector General ; and that all such accounts shall be made up half-yearly, and a copy of each such half-yearly account delivered to the Secretary of the Grand Jury at every spring and summer assizes, and be by him laid before such Grand Jury, 5
who shall inspect the same, and, if they shall so think fit, examine the said Paymaster on oath as to any matter or thing contained in such Account ; and such Paymaster shall for that purpose attend such Grand Jury, if so required, and submit to such examination ; and the foreman of such Grand Jury shall transmit each such half-yearly Account to the 10
said Inspector General, with such remarks thereon as such Grand Jury shall think fit to make.

Accounts to
be transmitted
by Grand Jury
to Inspector
General.

44.
CLAUSE (I.)
Only so much
of Dublin
County as is
not com-
prised within
Police District
to be deemed
County of
Dublin.

Provided always, and be it Enacted, That only so much of the County of *Dublin* as is not comprised within the Police District of *Dublin* Metropolis, as the same may be defined by any Act passed or to be 15
passed, shall for the purposes of this Act be deemed to be the County of *Dublin*.

45.
CLAUSE (K.)
Grant of
Houses or
Lands for the
use of the
Constabulary.

And be it further Enacted, That it shall and may be lawful to and for all and every Person or Persons, and Corporations aggregate or sole, having any Estate of freehold in possession in any lands or 20
houses, and not otherwise by law enabled so to do, from time to time to grant or determine to the Inspector General to be appointed under this Act, or to any Person or Persons to be nominated by him for the purpose, but in trust for His Majesty, his heirs and successors, and for any term of years whatsoever, any house or houses, or any 25
portion of ground not exceeding one acre, for the purpose of the same being occupied, used or built upon for the accommodation of the Constabulary Force to be appointed under this Act; every such grant or demise to be made at such annual rent as may be agreed upon by or on behalf of such Inspector General, to be reserved to 30
the owner of the immediate reversion in such houses or land for the time being expectant on the determination of such term.

46.
Act may be
altered this
Session.

And be it further Enacted, That this Act may be amended, altered or repealed by any Act to be passed in this present Session of Parliament.

Constabulary Force.

(Ireland.)

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To consolidate the Laws relating to the
Constabulary Force in *Ireland*.

(Prepared and brought in by
Lord Viscount Morpeth, Lord John Russell,
and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, to be Printed,
10 March 1836.

13 May 1836.

Constabulary Force (*Ireland*) Bill.

A M E N D M E N T S

Made by the Lords

To the BILL, intituled, AN ACT to consolidate and amend the Laws relating to the Constabulary Force in *Ireland*.

N.B.—The Marginal Notes refer to the Press and Line of the Ingrossment.

-
- Pr. 4. l. pent. After (County) insert (and place)
- Pr. 5. l. 20. After (Act) insert CLAUSES (A.) and (B.)
- Pr. 7. l. 10. Leave out from (services) to (their) in line 16
- l. 23. Leave out (matters) and insert (Rules, Orders and Regulations)
- l. 36. Leave out from (appoint) to (persons) in Press 8, line 1, and insert (Four)
- Pr. 8. l. 2. Leave out from (Police) to (and) in line 8
- l. 14. After (such) insert (number of), and in the same line leave out (respectively), and insert (as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* may direct)
- l. 15. After (any) insert (and every County of a City, County of a town and)
- l. 17. Leave out the first (County), and insert (Counties, except the County of the City of Dublin)
- l. 29. Leave out (County) and insert (Counties)
- l. 34. Leave out (County) and insert (Counties)
- l. 38. Leave out from (longer) to (And) in Press 9, line 10
- Pr. 9. l. 17. Leave out from (appoint) to (persons) in line 19, and insert (Eighteen)
- l. 20. Leave out from (Clerks) to (And) in line 30
- Pr. 10. l. 23. Leave out from the first (County) to (One) in line 27
- l. 28. After (County) insert (and in and for each County of a City and County of a Town adjoining to or locally situate within the County for which he shall be so appointed)
- Pr. 11. l. 29. Leave out the first (County)
- l. 30. After (City) insert (And), and in the same line leave out from (Town) to (except) in line 32
- l. ult. Leave out (such number of), and insert (One)
263. Leave

- Pr. 12. 1. 1. Leave out the first (Constables) and insert (Constable, Two), and in the same line, after the second (Constables), insert (and any such number of)
1. 2. After the second (Constables) insert (not exceeding One hundred)
1. 6. After (therein) insert (and in and for each Barony, Half Barony, or other Division of Barony in each County at large, One Chief Constable, Two Head Constables, and any number of Constables and Sub-Constables, not exceeding Sixteen)
1. 17 }
&
1. 18 } After (Constables) insert (and Sub-Constables)
1. 29. Leave out (*Ireland*) to (And) in line 35, and insert CLAUSES (C.), (D.) and (E.)
1. 36. Leave out (Sub-Inspector)
- Pr. 13. 1. 7. Leave out (Sub-Inspector)
1. 16. Leave out (Sub-Inspector)
1. 20. Leave out (in the recovery of), and insert (to levy)
1. 21. Leave out from (or) to (levy) in line 22, and insert (to), and in line 22 leave out (of)
1. 23. Leave out (in the levying of) and insert (to levy)
1. 26. Leave out from (nor) to (any) in line 27, and insert (to enforce)
1. 34. Leave out from (oath) to (And) in line penult.
- Pr. 14. 1. 1. Leave out (Sub-Inspector)
- Pr. 15. 1. 16. After (Inspector) insert (General)
1. 17. After (Deputy) insert (Inspector General, County Inspector)
1. 21. After (be) insert (except as is hereinbefore provided)
1. 30. After (Inspector) insert (General), and in the same line, after (Deputy), insert (Inspector General, County Inspector)
- Pr. 16. 1. 17. After (political) insert (Society whatsoever)
1. 18. After (or) insert (to any), and in the same line, and in line 19, after (whatsoever), insert (unless to the Society of Freemasons)
1. ult. After (appoint) insert CLAUSE (F.)
- Pr. 17. 1. 1. Leave out from (any) to (chief) in line 2
1. 10. Leave out from (such) to (chief) in line 11
1. 30. Leave out from (County) to (Provided) in line 37
- Pr. 18. 1. ult. Leave out (Three), and insert (Two)
- Pr. 19. 1. 1. After (Months) insert (and kept to hard labour)
- Pr. 20. 1. 7. After (Months) insert (and kept to hard labour)
- Pr. 23. 1. 1. Leave out (Three) and insert (Two)
1. 2. After (Months) insert (and kept to hard labour)
1. 32. After (County) insert (Barony, Half Barony, or other division of a Barony)
- Pr. 24. 1. 7. After (County) insert (Barony, Half Barony, and other division of a Barony.
1. 25. After (districts) insert (or places)
1. 33. After (by) insert (or on account of)
1. 38. After (County) insert (or any Barony, or Half Barony, or other division of a Barony, or County of a City, or County of a Town, or Town and Liberties)

- Pr. 24. l. ult. Leave out (any)
- Pr. 25. l. 1. Leave out from (or) to (in) in line 2, and insert (a Barony, or County of a City, or a County of a Town, or Town and Liberties)
- Pr. 27. l. 8. Leave out (that) and insert (by reason of any County, or County of a City, or County of a Town, or Town and Liberties, being in a state of disturbance or)
- l. 18. Leave out from (*Ireland*) to (to) in line 20, and insert (by warrant under his or their hand and seal)
- l. 22. Leave out from (persons) to (for) in line 23, and in line 23 leave out from (County) to for in line 25, and insert (or)
- Pr. 28. l. 29. After (Act) insert CLAUSES (G.) and (H.)
- Pr. 29. l. 34. } Leave out (superannuations)
 &
 l. 35. }
- Pr. 31. l. 14. Leave out from (Counties) to (shall) in line 21.
- l. 28. Leave out (incurred) to (And) in line ult.
- Pr. 32. l. 17. After (the) insert (said)
- Pr. 41. l. 21. After (Inspector) insert (Sub-Inspector)
- Pr. 42. l. 13. Leave out from (Salary) to (which) in line 14, and insert (of whatever amount)
- l. 15. Leave out from (time) to (be) in line 18.
- l. 38. Leave out from (allowances) to (One) in Press 43, line 2, and in Press 43, line 2, leave out from (deficiency) to (shall) in line 4.
- Pr. 49. l. 18. After (County) insert (or District for which he shall act)
- l. 19. Leave out (once in) and insert (on the first day of)
- l. 20. Leave out (and oftener if required)
- l. 21. Leave out from (Receiver) to (and) in line 23, and in line 23 leave out from (such) to (account) in line 24 and insert (monthly), and in line 24 leave out (delivered) and insert (shall on the same day be transmitted)
- l. 25. Leave out from (Jury) to (And) in line 26, and insert (of the County, County of a City, or County of a Town, to which the same shall relate), and in line 26 leave out from (before) to (who) in line 27, and insert (the Magistrates at the Special Road Sessions next preceding the next General Assizes)
- l. 30. After (and) insert (each)
- l. 32. Leave out (Grand Jury) and insert (Special Road Sessions)
- l. 33. Leave out (Foreman) and insert (Chairman)
- l. 34. Leave out (Grand Jury) and insert (Special Road Sessions)
- l. 35. Leave out (half-yearly) and insert (monthly)
- l. 37. Leave out (Grand Jury) and insert (Special Road Sessions)
- l. 38. After (make) insert CLAUSES (I.), (K.) and (L.)
- Pr. 50. l. 22. After (Houses) insert (not being the Mansion-house, or belonging thereto), and in the same line, after (ground), insert (not being the Garden, Lawn or Park)

CLAUSE (A.) Provided always, and be it Enacted, That all Chief and other Constables and Sub-Constables who shall so discontinue acting under the said recited Acts, shall thenceforward severally act under this Act in the several offices held by them respectively under the said recited Acts, without any further or other appointment thereto, until the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall otherwise direct.

CLAUSE (B.) Provided further, and be it Enacted, That every such Chief and other Constable and Sub-Constable appointed under the said recited Acts, and continuing to act under this Act as aforesaid, shall, within One Month from the making of the notification aforesaid, take and subscribe the Oath hereinafter mentioned, in manner hereinafter mentioned, and shall obtain and forward such Certificate thereof as is hereinafter required, or in default of his or their so doing, the person or persons who shall so make default shall, at the expiration of the said period of One Month, cease to hold his or their offices.

CLAUSE (C.) Provided always, and be it Enacted, That in any case in which Seven or more Magistrates of any County at large, at any General or Special Sessions held after notice given by the Clerk of the Peace, being a majority of the Magistrates then present, shall certify to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* that the number of Chief or other Constables, or Sub-Constables, so appointed for any such County, is inadequate to the due execution of the law within the same, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint such further number of Chief and other Constables and Sub-Constables for such County as may be so certified to be necessary, and to remove such Chief and other Constables and Sub-Constables from time to time.

CLAUSE (D.) And be it Enacted, That it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by the advice of the Privy Council of *Ireland*, to declare by Proclamation, that any County, County of a City, or County of a Town in *Ireland*, or any Barony or Baronies, Half Barony or Half Baronies in any County at large, or any district of less extent than any Barony or Half Barony, to be therein specified, is or are in a state of disturbance, and requires or require an additional Establishment of Police ; and thereupon it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to appoint such and so many Chief Constables, Constables and Sub-Constables as he or they shall think proper, not exceeding One such Chief Constable, Two Head Constables, and

and Fifty such Constables or Sub-Constables, for any one Barony or Half Barony, or for any County of a City or County of a Town, or District of less extent than any Barony or Half Barony which may have been so declared to be in a state of disturbance.

And be it Enacted, That no person shall be appointed to be a Chief or other Constable or Sub-Constable under this Act, unless he shall be of a sound constitution, able-bodied, and under the age of forty years, able to read and write, of a good character for honesty, fidelity and activity; and that no person shall be appointed to be such Chief or other Constable or Sub-Constable, who shall be a Gamekeeper, Wood Ranger, Tithe Proctor, Viewer of Tithes, Bailiff, Sheriff's Bailiff or Parish Clerk, or who shall be a hired servant in the employment of any person whomsoever, or who shall keep any house for the sale of beer, wine or spirituous liquors by retail; and that if any person who shall be appointed to be a Chief or other Constable or Sub-Constable under this Act, shall at any time after such his appointment be or become a Gamekeeper, Wood Ranger, Tithe Proctor, Viewer of Tithes, Bailiff, Sheriff's Bailiff, or Parish Clerk, or a hired servant, or shall act in any of the said capacities, or shall sell any beer, wine or spirituous liquors by retail, such person shall be and become disabled from and incapable of acting, and shall forfeit his appointment as Constable, and all authority and privilege, and all salary and gratuity payable to him as a Chief or other Constable or Sub-Constable under this Act.

CLAUSE (E.)

And be it Enacted, That no Inspector General, Deputy Inspector General, Receiver or County Inspector or Magistrate appointed by virtue of this Act, shall, during the continuance of such appointment, be capable of being elected or sitting as a Member of the House of Commons; and that no Inspector General, Deputy Inspector General, Receiver, County Inspector, Magistrate, Sub-Inspector, Paymaster, or Clerk, Chief or other Constable or Sub-Constable or Person belonging to the said Constabulary Force, or appointed by virtue of this Act, shall, during the time that he shall continue in any such office, or within Six calendar Months after he shall have quitted the same, be capable of giving his vote for the election of a Member to serve in Parliament for any County, City, Borough, Town or Place in *Ireland*, nor shall by word, message, writing, or in any other manner, endeavour to persuade any elector to give or dissuade any elector from giving his vote for the choice of any person to be a Member to serve in Parliament for any such County, City, Borough, Town or Place, and if any such Inspector General, Deputy Inspector General, Receiver, County Inspector, Magistrate, Sub-Inspector, Magistrate or Clerk, Chief or other Constable or Sub-Constable, or person belonging to the said Constabulary

CLAUSE (F.)

stabulary Force shall offend therein, he shall forfeit the sum of One hundred Pounds, to be recovered by any person who will sue for the same by action of debt, to be commenced within Six calendar Months after the commission of the offence : Provided always, That nothing in this Enactment contained shall subject any such Inspector General, Deputy Inspector General, Receiver, County Inspector, Magistrate, Sub-Inspector, Paymaster or Clerk, Chief or other Constable or Sub-Constable, or person belonging to the said Constabulary Force, or appointed under this Act, to any penalty for any act done by him at or concerning any of the said elections in the discharge of his official duty.

CLAUSE (G.) Provided always, and be it Enacted, That the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall, in every such Warrant as aforesaid, state specifically the grounds of the appointment of the Magistrate to whom it shall relate, and shall cause the name of every such Magistrate so appointed to be published in the next *Dublin Gazette*.

CLAUSE (H.) Provided always, and be it Enacted, That no person appointed to be a Magistrate with a Salary under this Act, shall be capable of holding any other office under this Act.

CLAUSE (I.) And be it further Enacted, That every Sub-Inspector appointed under this Act shall, on the first day of every month, transmit to the said Inspector General a Return, showing the actual disposition and number of the Constabulary Force of the county for which such Sub-Inspector shall act during the preceding month, which Return shall specify the charges made from time to time therein, as well in number as by name, and shall distinguish by number and name the members of the Police Force of other counties serving within any such county, county of a city or county of town, and shall also on the same day transmit to the Secretary of the Grand Jury of the county, county of a city or county of a town to which such Return shall relate, a copy of the said Return, to be laid before the Magistrates at their Special Road Sessions next preceding the next General Assizes for examination.

CLAUSE (K.) Provided always, and be it further Enacted, That the Inspector General to be appointed under this Act shall, in making out his Certificate, as hereinbefore provided, of the monies chargeable under the provisions of this Act, on each county, county of a city, county of a town, or part of a county, have regard to such monthly Returns as aforesaid, and shall not include in his Certificate the amount of any charge with respect to which any objection shall have been raised by the Special Road Sessions of any county,
county

county of a city or county of a town, until upon inquiry made by such Inspector General he shall be satisfied that such charge is not only reasonable, but has been properly made against the particular county, county of a city, or county of a town, the Special Road Sessions of which shall have raised objection thereto.

Provided further, and be it Enacted, That the Inspector General shall not include in his Certificate any charge which shall have accrued subsequently to the date of the last monthly Account which shall have been submitted to the Magistrates of the county, county of a city or county of a town, to which such demand shall relate, at their General Special Road Sessions next preceding the date of such Certificate. CLAUSE (L.)

Constabulary Force (*Ireland*) Bill.

6 WILL. IV.—Sess. 1836.

AMENDMENTS

Made by the Lords

To the BILL, intituled, AN ACT to consolidate and amend the Laws relating to the Constabulary Force in *Ireland*.

*Ordered, by The House of Commons, to be Printed,
13 May 1836.*



(Ireland.)

A

B I L L

To amend an Act passed in the present Session of Parliament for consolidating the Laws relating to the Constabulary Force in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH^{EREAS} an Act has been passed in this present Session of Parliament “to consolidate the Laws relating to the Constabulary Force in Ireland;” and it is expedient to amend the said Act in certain respects; **B**E it therefore **E**nacted, by The K I N G’s most Excellent M^AJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland to fix and appoint such annual Salary as to him or them may from time to time seem proper to be paid to each Paymaster appointed or *to be appointed under the said Act, not exceeding Two hundred Pounds, instead of not exceeding One hundred Pounds, as limited by the said Act; and in like manner to fix and appoint such annual Salary as to him or them may from time to time seem proper to be paid to each Sub-Constable appointed or to be appointed under the said Act, not exceeding Twenty-eight Pounds, instead of not exceeding Twenty-five Pounds, as limited by the said Act.*

Preamble.

1.

Salaries of Paymasters and of Sub-Constables under 6 Will. 4. c. 13. to be 200*l* and 28*l*, instead of 100*l* and 25*l*.

2.

Counties not to be liable for Expenses of Horses, Arms, &c., nor of County Inspectors.

And be it Enacted, That for the purpose of calculating the proportion of the monies advanced out of the produce of the Consolidated Fund, under the provisions of the said Act, to be raised by Grand Jury Presentment off the several counties, counties of cities and counties of towns liable to the repayment of the same, as in the said Act mentioned, all such sums as shall be or have been advanced for the purposes herein-

after mentioned, or any of them, shall, in addition to the salaries and expenses by such Act directed to be excepted out of such advances in calculating such proportion as aforesaid, be deducted from the amount of such advances, (that is to say) all such sums as shall be or have been advanced for the purchase or repair of arms, ammunition, accoutrements and other articles of outfit, horses, forage, livery, grazing, saddlery, and all other horse appointments and attendant expenses, postage, stationery and printing, or for the salaries and necessary expenses of the Four County Inspectors to be appointed under the said Act; and a *Moiety* of the residue only of the amount of such advances, after making therefrom such deductions as by the said Act and this Act directed, shall be raised by Grand Jury Presentment off each county, county of a city or county of a town, as the case may be, to which the same shall be declared by the said Lord Lieutenant or other Chief Governor or Governors to relate; any thing in the said recited Act contained to the contrary hereof notwithstanding.

Constabulary Force.

(Ireland.)

A

B I L L

To amend an Act passed in the present Session of Parliament for consolidating the Laws relating to the Constabulary Force in Ireland.

(Prepared and brought in by
Lord Viscount Morpeth and Mr. Attorney
General for Ireland.)

Ordered, by The House of Commons, to be Printed,
7 July 1836.



A

B I L L

For the Amendment of the Law relating to Lands held by Copy of Court Roll.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

BE it Enacted, by The KING's most Excellent MAJESTY,
by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, THAT in the construction
of this Act the word "Manor" shall extend to a Manor of any
tenure whatsoever, whether freehold, leasehold, customaryhold,
copyhold, or other tenure, and shall also include a Manor by reputation;
and the word "Lands" shall extend to Manors, and reputed Manors,
and to Messuages, Lands, Tenements, Tithes and Hereditaments,
whether corporeal or incorporeal, or any undivided share thereof;
and the words "Lord," "Steward" and "Deputy of such Steward"
shall include the Persons for the time being filling those respective
characters, or acting in those respective capacities, whether those
Persons shall be rightfully or lawfully entitled to fill those characters
or act in those capacities or not, and whether the Person for the time
being acting as such Lord, or in whose name any Customary Court may
be held for any Manor, shall or shall not have any estate or interest
in such Manor, either at law or in equity; and the word "Person" shall
extend to a Body Politic, Corporate or Collegiate, as well as an individual;
and every word importing the singular number only shall extend and be
applied to several persons or things as well as one person or thing;
and every word importing the plural number shall extend and be applied
to one person or thing as well as several persons or things; and every
word importing the masculine gender shall extend and be applied to
a female as well as a male: Provided always, That the words occurring
in this clause to which more than one meaning is to be attached,

I.
Meaning of certain Words and Expressions.
"Manor."
"Lands."
"Lord."
"Steward."
"Deputy Steward."
"Person."
Number.
Gender.

shall have all or any one or more of the different meanings given to them by this clause, as the circumstances of each particular case shall require, and shall not have the different meanings given to them by this clause, in those cases in which there is any thing in the subject or context repugnant to such construction.

5

2.

Power after the 31st December 1836 to Lords of Manors or their Stewards to hold Customary Courts, although no Copyhold Tenant be present.

And be it further Enacted, That after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* it shall be lawful for the Lord of any Manor, or his Steward, or the Deputy of such Steward, to hold a Customary Court for such Manor, notwithstanding at the time of holding the same there shall not be any Person who shall hold Lands of such Manor by Copy of Court Roll, and also notwithstanding, if there shall at the time of holding such Court be any Person or Persons who shall hold Lands of such Manor by Copy of Court Roll, there shall not be any such Person present at such Court, or there shall not be more than one such Person present at such Court; and every Court so holden shall be deemed and taken for all purposes whatsoever to be a good and sufficient Customary Court.

3.

Power after the 31st December 1836 to Lords or their Stewards to make out of the Manors, and out of Court Grants of Lands to be held by Copy of Court Roll.

And be it further Enacted, that after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* it shall be lawful for the Lord of any Manor, or his Steward, or the Deputy of such Steward, to grant at any time and at any place, either within or out of such Manor, and without holding a Court for such Manor, any Lands, parcel of such Manor, to be held by Copy of Court Roll, which such Lord shall for the time being be authorized or empowered to grant out to be held by Copy of Court Roll; so nevertheless that such Lands be granted for such Estate only and to such Person only as such Lord, Steward, or Deputy shall for the time being be authorized or empowered to grant the same.

4.

Power after the 31st December 1836, to Lords or their Stewards to grant admissions out of the Manors and out of Court.

And be it further Enacted, That after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* it shall be lawful for the Lord of any Manor, or his Steward, or the Deputy of such Steward, to admit at any time and at any place, either within or out of such Manor, and without holding a Court for such Manor, any Person as tenant to any Lands, parcel of such Manor, and for any Estate, to and for which such Person shall for the time being be entitled to be admitted.

5.

Power after the 31st December 1836 to Copyholders to surrender their Lands by Deed, executed either within or out

And be it further Enacted, That after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* it shall be lawful for any Person who now holds or hereafter shall hold Lands by Copy of Court Roll, to declare by a Deed to be executed by him in the presence of and to be attested by *Two* or more Witnesses, that he thereby surrenders such Lands into the hands of the Lord of the Manor

of the Manor,
and to be de-
posited with
the Court
Rolls.

Manor of which such Lands are parcel, to any uses and upon and for any trusts, intents and purposes, to, upon and for which the Person executing such Deed might for the time being have surrendered such Lands by a customary surrender either at a Court held for such

5 Manor or out of Court; and such Deed may be executed either within or out of such Manor, and either in the presence or in the absence of the Lord of such Manor, or his Steward, or the Deputy of such Steward, or of the Bailiff or Reeve of such Manor, or of any Person holding Lands of such Manor by Copy of Court Roll;

10 and such Deed shall after the execution thereof be delivered either within or out of such Manor to the Lord of such Manor, or his Steward, or the Deputy of such Steward, and the Person to whom such Deed shall be delivered shall forthwith on the delivery thereof to him endorse thereon the day and hour when it was so delivered,

15 and it shall not be material whether the Person who executed such Deed shall be living or dead at the time of the delivery of it to such Lord, Steward, or Deputy, or of the entry thereof on the Court Rolls, as hereinafter directed, and the Person to whom such Deed shall be delivered shall deposit the same with the Court Rolls of such

20 Manor; and every such Deed shall from the time of its being so delivered be for all purposes whatsoever deemed and taken to be a customary surrender made out of Court, and shall operate and take effect as a customary surrender from the time of the execution of it, in the same manner as if the delivery thereof to the Lord, or Steward,

25 or Deputy, or the entry thereof on the Court Rolls, had not been required or made necessary, except that every such Deed shall be void against any person claiming the Lands for a valuable consideration either under a subsequent customary surrender, in case the same shall be made either in or out of Court before the delivery of

30 such Deed to such Lord, Steward, or Deputy, or under a subsequent Deed executed pursuant to this present clause, in case such subsequent Deed shall be first delivered to such Lord, Steward, or Deputy; and such Lord, Steward, or Deputy, shall forthwith give a memorandum signed by him of such Deed and of the endorsement thereon to the

35 Person delivering the same, and every such memorandum shall, so far as circumstances will admit, be in the same form as, and shall for all purposes whatsoever be deemed and taken to be, a memorandum of a customary surrender made out of Court: Provided nevertheless, That every Deed by which a feme covert shall make any surrender

40 shall be acknowledged by her pursuant to an Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act for the Abolition of Fines and Recoveries, and for the substitution of more simple Modes of Assurance;" and every surrender made by a feme covert by any Deed so acknowledged shall be a valid

45 surrender, notwithstanding such feme covert shall not be examined apart from her husband by the Lord of the Manor or his Steward, or the Deputy of such Steward; and the Lord of the Manor and his Steward, and the Deputy of such Steward respectively, shall be

entitled to the same fines, fees, and other charges on the delivery to him of every Deed by which any such surrender shall be made as aforesaid, and for the memorandum to be so given by him as aforesaid, and shall have the same remedies for the recovery thereof, as such Lord, Steward, or Deputy respectively would have been entitled to and have had in case the Lands comprised in such Deed and thereby surrendered had been surrendered before the Steward or his Deputy by a customary surrender made out of Court, instead of such Deed as aforesaid. 5

6.

Lords or their Stewards shall deliver to Persons Notice of all prior Surrenders not previously entered on the Court Rolls.

And be it further Enacted, That the Lord of every Manor, or his Steward, or the Deputy of such Steward, shall on the requisition in writing of any Person for the time being having or claiming any estate, right or interest, either at law or in equity, in any Lands held of such Manor by Copy of Court Roll, give to such Person, or his Solicitor, Agent or Nominee, notice in writing whether there are or are not any Surrenders affecting such Lands which shall not have been previously entered on the Court Rolls of such Manor, and, in case there shall be any such Surrenders, shall also specify in writing the nature and objects thereof; and the Steward or Deputy shall be entitled to the same fees and other charges for the same, as he would be entitled to for an extract of similar length from the Court Rolls of such Manor. 10 15 20

7

After the 31st December 1836, every Surrender, &c. delivered to the Lord or Steward, and every fact proved to the Lord or Steward at any Court whereat a Homage shall not be assembled, shall be forthwith entered on the Court Rolls.

And be it further Enacted, That after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six*, every Surrender and Deed which, and also every Will and Codicil, a copy of which shall be delivered to the Lord of the Manor, of which the Lands affected by such Surrender, Deed, Will and Codicil are parcel, or to his Steward, or the Deputy of such Steward, either at any Court holden for such Manor at which there shall not be any homage assembled, or out of Court, and also every Grant and Admission by the Lord of any Manor, or his Steward, or the Deputy of such Steward, pursuant to this Act, shall be forthwith entered on the Court Rolls of the Manor by such Lord, or Steward, or Deputy; and every fact relating to or affecting the title to any Lands held by Copy of Court Roll which shall be communicated to the Lord of the Manor of which such Lands are parcel, or his Steward, or the Deputy of such Steward, and proved to his satisfaction, either at any Court holden for such Manor at which there shall not be any homage assembled, or out of Court, shall be forthwith entered on the Court Rolls of such Manor by such Lord, or Steward, or Deputy; and every entry made on the Court Rolls of any Manor pursuant to this present clause shall for all purposes whatsoever be deemed and taken to be an entry made in pursuance of a presentment made at a Court holden for such Manor by the homage assembled thereat; and the Steward, or his Deputy, shall be entitled to the same fees and other charges for making such entry on the Court Rolls as he would have been entitled to in respect of such 25 30 35 40

357

such entry, in case the same had been made in pursuance of a presentment made at a Court holden for such Manor by the homage assembled thereat.

And be it further Enacted, That after the *Thirty-first* day of
 5 *December One thousand eight hundred and Thirty-six* it shall not be
 essential in any case to the validity of the admission of any Person
 as Tenant of any Lands held of any Manor by Copy of Court Roll,
 that a presentment shall be made by the homage assembled at any
 Court holden for such Manor, of the Surrender, Deed, Will, or other
 10 Instrument or fact, in pursuance or in consequence of which such
 admission shall have been granted.

8.
 After the 31st December 1836, a Presentment by the Homage shall not be essential to the validity of an admission.

And be it further Enacted, That every Lease already granted
 (whether subsisting at the time of passing this Act or not), or
 hereafter to be granted of Lands held by Copy of Court Roll without
 15 a License by the Lord of the Manor of which such Lands may be
 parcel, or for a term of years, or any other estate, not authorized by
 a License actually obtained from such Lord prior to the granting of
 such Lease, shall be deemed and taken respectively to have been
 and to be as good, valid and binding on all Persons whomsoever
 20 (including the Lord of such Manor) as the same would have been
 if granted under a License by the Lord of such Manor, or (as
 the case may be) if granted in strict compliance with the License so
 actually obtained as aforesaid; and it shall not be deemed or taken
 that the Person granting such Lease has in consequence thereof for-
 25 feited to the Lord of such Manor the Lands thereby demised.

9.
 Every Lease of Lands held by Copy of Court Roll granted without a License by the Lord, shall be as valid as if granted with such License.

Provided always, and be it further Enacted, That no Lease of
 Lands held by Copy of Court Roll already granted, or hereafter to be
 granted, and hereby rendered valid, shall continue in force after the
 Lord of the Manor of which such Lands may be parcel shall have
 30 become entitled to the actual possession of such Lands, freed and
 discharged from all claims and demands whatsoever by any Person
 under the custom of such Manor to have such Lands regranted out
 to be held by Copy of Court Roll.

10.
 No Lease rendered valid by this Act shall continue in force after the Lord shall become entitled in possession.

Provided always, and be it further Enacted, That no Lease here-
 35 after to be granted of Lands held by Copy of Court Roll, and rendered
 valid by this Act, shall continue in force after the expiration of
Twenty-one Years from the time of granting such Lease.

11.
 No Lease hereafter to be granted and rendered valid by this Act shall continue in force beyond the term of Twenty-one Years.

Provided always, and be it further Enacted, That this Act shall not
 render valid any Lease already granted of Lands held by Copy of
 Court Roll, if the Lord of the Manor of which the Lands comprised in
 such Lease are parcel shall, previously to the *passing of this Act*,

12.
 This Act shall not render valid any Lease already granted, if the Lord shall have entered for the Forfeiture incurred by such Lease, and

shall not prejudice
any proceedings now
pending.

have actually seized or entered on such Lands for or on account of the Forfeiture incurred by the granting of such Lease, and this Act shall not prejudice or affect any proceedings at law or in equity pending at the time of the *passing of this Act*, in which the right of the Lord of any Manor to seize or enter on Lands comprised in any Lease for or on account of the Forfeiture incurred thereby shall be in question.

5

13.

Lords to be entitled,
in respect of Leases
rendered valid by
this Act, to the
usual Fines for
granting Licenses.

Provided always, and be it further Enacted, That the Lord of the Manor of which any Lands are parcel which shall be comprised in any Lease already granted, (and subsisting at the time of passing this Act,) or hereafter to be granted, which shall be rendered valid by this Act, shall be entitled to the same Fines, Fees and Payments in respect of such Lease as such Lord would, according to the terms upon which licenses to demise Lands, parcel of such Manor, are usually granted, have been entitled to in respect of such Lease if the same had been granted under a license.

15

14.

This Act shall not
apply to any Lease
where a License by
the Lord is not re-
quisite.

Provided always, and be it further Enacted, That nothing in this Act contained shall apply to any Lease of Lands held by Copy of Court Roll where a License by the Lord of the Manor, of which such Lands are parcel, to demise or lease such Lands is not requisite, either according to the custom of such Manor or otherwise.

20

15.

After the 31st De-
cember 1836 all
customs relating to
Curtesy and Dower,
or Freebench in
Lands held by Copy
of Court Roll, shall
determine, except in
Copyhold for Lives
where there is not a
perpetual right of
renewal.

And be it further Enacted, That after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* all customs relating to Curtesy and Dower, or Freebench in Lands held by Copy of Court Roll, shall cease and determine, except customs relating to Dower or Freebench out of Lands held by Copy of Court Roll being either Copyholds or Customaryholds for any life or lives, where there shall not, according to the custom of the Manor of which such Lands may be parcel, be a perpetual tenant right of renewal.

30

16.

Widows of Husbands
dying after the 31st
December 1836, shall
be entitled to Dower
out of Copyholds of
inheritance where if
Freehold they would
be entitled to Dower
therein.

And be it further Enacted, That the Widow of every Husband who shall die after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* shall be entitled to Dower or Freebench out of all Lands held by Copy of Court Roll, (being Copyholds or Customaryholds of inheritance) of or to which such Husband shall at the time of his death be seised or entitled, either at law or in equity, in case such Husband shall be so seised of or entitled to such Lands for an estate or interest which, if he had held such Lands in free and common socage, would have entitled his Widow to Dower in or out of the same.

40

17.

Widows of Husbands
dying after the 31st
December 1836, and

And be it further Enacted, That in every case in which a Husband shall die after the *Thirty-first* day of *December One thousand eight hundred*

hundred and Thirty-six, seised of or entitled to either at Law or in Equity any Lands held by Copy of Court Roll (being Copyholds or Customaryholds for any life or lives, where, according to the custom of the Manor of which the Lands are parcel, there shall be a perpetual tenant right of renewal), and such Husband shall be so seised in possession, or entitled to the receipt of the rents, issues and profits thereof, and shall be so seised or entitled for an estate or interest equivalent to an estate or interest which if he had held such Lands in free and common socage would have entitled his Widow to Dower in or out of the same then the Widow of such Husband shall be entitled to Dower or Freebench out of such Lands, in the same manner in every respect as if her Husband had been seised or entitled to such Lands for an estate or interest which, if he had held the same in free and common socage, would have entitled her to Dower in or out of the same.

seised of the whole Estate in Copyholds for Lives where there is a perpetual right of renewal, shall be entitled to Dower there-out.

And be it further Enacted, That every Widow who shall be entitled under this Act to Dower or Freebench out of Lands held by Copy of Court Roll, shall be entitled for such Dower or Freebench to one equal third part of such Lands during her life, and shall be entitled to such Dower or Freebench notwithstanding she would not, according to the custom of the Manor of which the Lands may be parcel, have been entitled to any Dower or Freebench out of such Lands if this Act had not been passed; and every Widow shall have the same rights and remedies for the recovery of such Dower or Freebench as she would have had if this Act had not been passed, and she had been entitled to such Dower or Freebench according to the custom of the Manor of which the Lands out of which she is entitled to such Dower or Freebench are parcel, and shall be admitted to the Lands to which she may become entitled for her Dower or Freebench; and every Widow shall, in respect of her admission to such Lands, pay to the Lord of the Manor of which such Lands are parcel the same fine as any other Person shall be liable to pay to such Lord on being admitted to such Lands for an estate for life: Provided nevertheless, That nothing herein contained shall be deemed or taken to render any Widow liable, on being admitted to any Lands to which she shall become entitled for her Dower or Freebench under this Act, to pay to the Lord of the Manor of which such Lands are parcel a greater fine than she would, according to the custom of the Manor of which the Lands are parcel, have been liable to pay on being admitted to her Dower or Freebench in or out of such Lands in case this Act had not been passed; and all the laws relating to Dower out of Lands held in free and common socage shall, so far as circumstances and the different tenures will admit, apply to Dower and Freebench to which a Widow shall be entitled under this Act in Lands held by Copy of

18.

The Dower of Widows in Lands under this Act to be One-third of such Lands for their lives; and all the Laws relating to Dower out of Lands held in free and common socage shall, mutatis mutandis, apply to Dower, to which a Widow shall be entitled under this Act.

Court Roll, except that in any surrender to the use of a Husband of Lands held by Copy of Court Roll, it may be declared that his Widow shall not be entitled to Dower or Freebench out of such Lands; and except that every Deed, by which it shall be declared that a Widow shall not be entitled to Dower out of any Lands held by Copy of Court Roll, shall be entered on the Court Rolls of the Manor of which such Lands are parcel; and except that every Will, in which a declaration shall be made affecting the Dower of any Widow out of Lands held by Copy of Court Roll, shall be duly executed for the devise of Lands held by Copy of Court Roll, and it shall not be necessary for the Husband to surrender such Lands to the use of his Will.

19.
This Act not to extend to the Dower of any Widow who shall have been married before the 1st of January 1837.

And be it further Enacted, That this Act shall not extend to the Dower of any Widow who shall have been or shall be married before the *First day of January One thousand eight hundred and Thirty-seven*, and shall not give to any Will, Deed, Contract, Engagement or Charge, executed, entered into or created before the *First day of January One thousand eight hundred and Thirty-seven*, the effect of defeating or prejudicing any right to Dower.

20.
Husbands of Women dying after the 31st December 1836, to be entitled as Tenants by the Curtesy to the entirety of all Copyhold Lands held by them, in right of their Wives, for Interests which, if such Lands were Freehold, would have entitled them to be Tenants by the Curtesy.

And be it further Enacted, That the Husband of every Woman who shall die after the *Thirty-first day of December One thousand eight hundred and Thirty-six* shall be entitled for his life, as tenant by the curtesy of England, to the entirety of all Lands held by Copy of Court Roll (being Copyholds or Customaryholds of inheritance) by such Husband and Wife in her right at the time of her decease, in case such Husband and Wife in her right shall be seised of or entitled to such Lands either at law or in equity, for an estate or interest which, if such Husband and Wife had in her right held such Lands in free and common socage, would have entitled such Husband to curtesy in or out of the same; and such Husband shall be so entitled, as tenant by the curtesy of England, to Lands so held by Copy of Court Roll by him and his Wife in her right, notwithstanding he would not, according to the custom of the Manor of which such Lands are parcel, have been tenant by the curtesy of such Lands if this Act had not been passed; and every Husband shall have the same rights and remedies for the recovery of the Lands held by Copy of Court Roll to which he shall be entitled under this Act, as tenant by the curtesy of England, as he would have had if this Act had not been passed, and he had been entitled to such Lands, as tenant by the curtesy of England, according to the custom of the Manor of which the Lands are parcel, and shall be admitted thereto, and shall, in respect of such admission, pay to the Lord of such Manor the same fine as any other person shall be liable to pay to such Lord on being admitted to such Lands for an estate for life:
Provided

Provided nevertheless, That nothing herein contained shall be deemed or taken to render any Husband liable, on being admitted to any Lands to which he shall become entitled as tenant by the curtesy of England under this Act, to pay to the Lord of the Manor of which such Lands are parcel a greater fine than he would, according to the custom of the Manor of which the Lands are parcel, have been liable to pay on being admitted as tenant by the curtesy of England to such Lands, in case this Act had not been passed; and all the laws relating to an Estate, by the curtesy of England, in Lands held in free and common socage shall, so far as circumstances and the different tenures will admit, apply to an Estate under this Act, by the curtesy of England, in Lands held by Copy of Court Roll.

And be it further Enacted, That this Act shall not entitle any Husband, as tenant by the curtesy of England, to any Lands held by Copy of Court Roll by him and his Wife in her right, in case such Husband and Wife shall have been, or shall be married before the First day of January One thousand eight hundred and Thirty-seven.

21.
Husbands
married on or
before the 1st
of January
1837, not to
be entitled to
Curtesy under
this Act.

Copyholds.

A

B I L L

For the Amendment of the Law relating to
Lands held by Copy of Court Roll.

(Prepared and brought in by
*Mr. Attorney General and Mr. Solicitor
General.*)

*Ordered, by The House of Commons, to be Printed,
14 April 1836.*



A

B I L L

To enable Persons having only partial Estates to enfranchise,
and obtain the Enfranchisement of, Lands held by Copy
of Court Roll.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

BE it Enacted, by The KING's most Excellent MAJESTY, by
and with the Advice and Consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the Authority of the same, THAT in the construction of this Act
5 the word "Manor" shall extend to a Manor and reputed Manor of any
tenure whatsoever, or any undivided share thereof; and the word "Lands"
shall extend to Manors and reputed Manors, and to messuages, lands,
tenements, tithes and hereditaments of any tenure whatsoever, (except
Copy of Court Roll,) whether corporeal or incorporeal, or any un-
10 divided share thereof, and when accompanied by any expression includ-
ing or denoting the tenure by Copy of Court Roll, shall extend to
Manors and reputed Manors, and to messuages, lands, tenements,
tithes and hereditaments of that tenure, whether corporeal or incor-
poreal, and except where otherwise expressed, shall mean exclusively
15 Copyholds and Customaryholds of Inheritance, and also Copyholds
and Customaryholds for any life or lives or for years, where, according
to the custom of the Manor of which the Lands are parcel, there is
a perpetual tenant right of renewal, or any undivided share thereof;
and the word "Estate" shall extend to an Estate in Equity as well
20 as at Law; and the expression "Particular Estate" shall include
every Estate whatsoever, except an Estate in respect of or as incidental
to which any person now is or hereafter shall be, as to Manors or
Lands (not being Manors or Lands held by Copy of Court Roll),
enabled, independently of this Act, to convey or dispose of such Manors
or Lands for his own benefit, for an absolute and indefeasible Estate

1.
Meaning of certain
Words and Expres-
sions.
"Manor."
"Lands."

"Estate."
"Particular Estate."

in fee-simple; and except an Estate in respect of or as incidental to which any person now is or hereafter shall be, as to Manors or Lands held by Copy of Court Roll, enabled, independently of this Act, to convey, dispose of or surrender such Manors or Lands for his own benefit, for the whole Estate or Interest for which such Manors or Lands now are or hereafter shall be granted out to be held by Copy of Court Roll; and except, both as to Manors or Lands (not being Manors or Lands held by Copy of Court Roll) and as to Manors or Lands held by Copy of Court Roll, an Estate vested in any person by way of mortgage or charge; or as a mere trustee, or as a mere lessee or assignee of any Lease; and except, both as to Manors or Lands (not being Manors or Lands held by Copy of Court Roll) and as to Manors or Lands held by Copy of Court Roll (not being Copyholds or Customaryholds for years), an Estate for a term of years absolute vested in any person not being a mere lessee or assignee of any Lease; and except as to Manors or Lands held by Copy of Court Roll, being Copyholds or Customaryholds for years, an Estate for a derivate term of years absolute vested in any person not being a mere lessee or assignee of any Lease; and the expression "Annual Rent" shall mean exclusively an Annual Rent granted in consideration of the Enfranchisement of Lands under this Act; and the expression "Apportioned Annual Rent" shall extend to an Annual Rent granted in consideration of the Enfranchisement of Lands under this Act, and also to any apportioned part of such Annual Rent, and any undivided share thereof respectively; and the word "Person" shall extend to a Body Politic, Corporate or Collegiate, as well as an Individual; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender shall extend and be applied to a female as well as a male: Provided always, That those words and expressions occurring in this Clause to which more than one meaning is to be attached, shall have all or any one or more of the different meanings given to them by this Clause as the circumstances of each particular case shall require, and shall not have the different meanings given to them by this Clause in those cases in which there is any thing in the subject or context repugnant to such construction.

2.

Power, after the 31st December 1836, to Lords of Manors having particular Estates to enfranchise Lands held by Copy of Court Roll.

And be it further Enacted, That if at any time after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* the person for the time being seised of in possession any Manor, or entitled to the receipt of the rents, issues and profits thereof, shall be so seised or entitled for a particular Estate, then it shall be lawful for such person, whether he shall be so seised or entitled in actual possession, or in remainder or reversion expectant on the determination of any Estate.

Estate vested in any person as a mere lessee or assignee of any Lease, or expectant on the determination of any Estate for a term of years absolute vested in any person not being a mere lessee or assignee of any Lease, to enfranchise all or any of the Lands held by Copy of Court Roll and parcel of such Manor: Provided nevertheless, That it shall not be lawful for any person so seised or entitled as aforesaid, in respect of an undivided share only of any Manor, to enfranchise under this Act any Lands held by Copy of Court Roll and parcel of such Manor, unless the person for the time being enabled, either by this Act or otherwise, to enfranchise such Lands as respects the other undivided share of such Manor shall concur in enfranchising such Lands.

And be it further Enacted, That if at any time after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six* the person for the time being seised of in possession any Lands held by Copy of Court Roll, or entitled to the receipt of the rents, issues and profits thereof, shall be so seised or entitled for a particular Estate, then it shall be lawful for such person, whether he shall be so seised or entitled in actual possession, or in remainder or reversion expectant on the determination of any Estate vested in any person as a mere lessee or assignee of any Lease, or expectant on the determination of any Estate for a term of years absolute vested in any person not being a mere lessee or assignee of any Lease, to obtain the enfranchisement of all or any of such Lands: Provided nevertheless, That it shall not be lawful for any person so seised or entitled as aforesaid, in respect of an undivided share only of Lands held by Copy of Court Roll, to obtain under this Act the enfranchisement of such Lands, unless the person for the time being enabled, either by this Act or otherwise, to obtain the enfranchisement of such Lands as respects the other undivided share thereof shall concur in obtaining the enfranchisement of such Lands.

3.
Power, after the 31st December 1836, to Copyholders having particular Estates to obtain the Enfranchisement of Lands held by Copy of Court Roll.

And be it further Enacted, That every enfranchisement under this Act of Lands held by Copy of Court Roll shall be made for all or any of the considerations following; (that is to say) the consideration of a Grant of an Annual Rent in fee to be thenceforth charged on and issuing out of the Lands enfranchised, or the consideration of a Conveyance of Lands held by Copy of Court Roll and parcel of the same Manor as the Lands enfranchised, and subject to the same uses and trusts as the Lands enfranchised shall be subject to at the time of such enfranchisement, or the consideration of the payment of a gross sum of Money; and the amount of the rent or sum of Money, or the Lands to be respectively granted, paid or conveyed as a consideration for the enfranchisement under this Act of Lands held by Copy of Court Roll, shall be fixed on by the persons respectively enfranchising and

4.
Enfranchisements to be made in consideration of an Annual Rent, or of the Conveyance of Lands, subject to the same uses as the Lands enfranchised, or of the payment of a gross sum of Money.

obtaining the enfranchisement of such Lands ; and the consideration for every enfranchisement under this Act of Lands held by Copy of Court Roll shall be either all or such one or more of the considerations aforesaid, as the persons respectively enfranchising and obtaining the enfranchisement of such Lands shall determine.

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5.
Power to the Person
obtaining the En-
franchisement of
Lands to grant an
Annual Rent in con-
sideration of such
Enfranchisement.

And be it further Enacted, That if the consideration for the enfranchisement under this Act of any Lands held by Copy of Court Roll shall be either wholly or in part the grant of an Annual Rent, then it shall be lawful for the person empowered by this Act to obtain the enfranchisement of such Lands to grant such Annual Rent to the person enfranchising such Lands, and his heirs, to the uses and upon and for the trusts, intents and purposes to, upon and for which the Manor, of which such Lands are parcel, shall be subject at the time of such enfranchisement, and to charge such Annual Rent on the Lands enfranchised, and to make the same payable by equal half-yearly payments ; and the Annual Rent so granted shall be a Rent Service, and thenceforth parcel of the same Manor as the Lands enfranchised.

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6.
Power to the Person
obtaining the En-
franchisement of
Lands to convey
Lands in considera-
tion of such Enfran-
chisement.

And be it further Enacted, That if the consideration for the enfranchisement under this Act of any Lands held by Copy of Court Roll shall be either wholly or in part the conveyance of Lands held by Copy of Court Roll, then it shall be lawful for the person empowered by this Act to obtain such enfranchisement to convey the Lands fixed on as the consideration for such enfranchisement to the person enfranchising the Lands proposed to be enfranchised, and his heirs, to the uses and upon and for the trusts, intents and purposes to, upon and for which the Manor, of which such Lands are parcel, shall be subject at the time of such enfranchisement.

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7.
Power to the Person
obtaining the Enfran-
chisement of Lands
to charge the same
with a sum of
Money, in considera-
tion of such Enfran-
chisement.

And be it further Enacted, That if the consideration for the enfranchisement under this Act of any Lands held by Copy of Court Roll shall be either wholly or in part the payment of a gross sum of Money, then it shall be lawful for the person empowered by this Act to obtain the enfranchisement of such Lands to charge the same, or such of them as he shall think fit, with the payment of such sum, and for securing the payment of such sum, with lawful interest for the same, to demise, by way of mortgage for any term of years, the Lands so charged to the person who shall advance and lend such sum, or to such other person as he shall appoint, so as such demise be made with a proviso or condition declaring that such demise shall be void on payment of the sum thereby secured, with the interest thereof, at a time to be therein appointed ; and no person afterwards becoming entitled to such Lands shall be liable to pay any further or larger arrear of interest than for Six calendar Months preceding the time when his title to the possession of such Lands shall have commenced.

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And

Power to the Person
having a particular
Estate in an Annual
Rent to apportion
the same.

And be it further Enacted, That if at any time while an apportioned Annual Rent shall remain charged on any Lands, the person for the time being seised of such apportioned Annual Rent, or entitled to the receipt thereof, shall be so seised or entitled for a particular Estate
5 (whether such Estate shall have been subsisting at the time of the enfranchisement of such Lands or not), then it shall be lawful for such person, whether he shall be so seised or entitled in possession, or in remainder or reversion expectant on the determination of an Estate for a term of years absolute, to divide and apportion such apportioned
10 Annual Rent, and to declare what part and proportion thereof shall be thenceforth charged upon each separate part of such Lands; and after such apportionment, such apportioned Annual Rent shall be payable in such parts and proportions, and chargeable only upon such parts of such Lands as shall be so declared: Provided nevertheless,
15 That it shall not be lawful for any person so seised or entitled as aforesaid in respect of an undivided share only of such apportioned Annual Rent, to divide and apportion such apportioned Annual Rent, unless the person for the time being, enabled either by this Act or otherwise to divide and apportion the same as respects the other undivided share
20 thereof, shall join in dividing and apportioning such apportioned Annual Rent.

Power to the Person
having a particular
Estate in Lands
charged with an
Annual Rent to
concur in the Apportionment thereof.

And be it further Enacted, That if at any time while an apportioned Annual Rent shall remain charged on any Lands, the person seised of in possession the Lands on which such apportioned Annual
25 Rent shall for the time being be charged, or entitled to the receipt of the rents, issues and profits thereof, shall be so seised or entitled for a particular Estate (whether such Estate shall have been subsisting at the time of the enfranchisement of such Lands or not), then it shall be lawful for such person, whether he shall be so seised or entitled in
30 actual possession, or in remainder or reversion expectant on the determination of any Estate vested in any person as a mere lessee or assignee of any Lease, or expectant on the determination of an Estate for a term of years absolute vested in any person not being a mere lessee or assignee of any Lease, to concur in any division or apportionment of such
35 apportioned Annual Rent, and to agree what part and proportion thereof shall be thenceforth severally charged upon any part of such Lands: Provided nevertheless, That it shall not be lawful for any person so seised or entitled as aforesaid, in respect of an undivided share only of such Lands, to concur in or agree to any such division or
40 apportionment, unless the person for the time being enabled, either by this Act or otherwise, to concur in such division or apportionment, as respects the other undivided share of such Lands, shall concur in or agree to such apportionment.

No Apportionment of
an Annual Rent to
be made, without the

Provided nevertheless, and be it further Enacted, That no division or apportionment shall be made under this Act, of an apportioned

consent of the Person
entitled to the Lands
charged therewith.

Annual Rent charged on any Lands, except with the concurrence and agreement of the person seised of such Lands, or entitled to the receipt of the rents, issues and profits thereof, for an Estate in respect of which he is enabled, either by this Act or otherwise, to concur in or agree to such apportionment.

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11.

Power to the Person
having a particular
Estate in an Annual
Rent to release from
the same the Lands
charged therewith.

And be it further Enacted, That if at any time while an apportioned Annual Rent shall remain charged on any Lands, the person seised in possession of such apportioned Annual Rent, or entitled to the receipt thereof, shall be so seised or entitled for a particular Estate (whether such Estate shall have been subsisting at the time of the enfranchisement of such Lands or not), then it shall be lawful for such person, whether he shall be so seised or entitled in actual possession, or in remainder or reversion expectant on the determination of an Estate for a term of years absolute, to release from such apportioned Annual Rent all or any of the Lands on which such apportioned Annual Rent shall for the time being be charged: Provided nevertheless, That the release from any apportioned Annual Rent of part of the Lands charged therewith shall not be deemed or taken to be a release of the whole of such Lands from such apportioned Annual Rent.

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12.

Power to Persons
having particular
Estates in Lands to
obtain a Release
of the same from
an Annual Rent.

And be it further Enacted, That if at any time while an apportioned Annual Rent shall remain charged on any Lands, the person for the time being seised of in possession the Lands on which such apportioned Annual Rent shall for the time being be charged, or entitled to the receipt of the rents, issues and profits thereof, shall be so seised or entitled for a particular Estate (whether such Estate shall have been subsisting at the time of the enfranchisement of such Lands or not), then it shall be lawful for such person, whether he shall be so seised or entitled in actual possession, or in remainder or reversion expectant on the determination of an Estate vested in any person as a mere lessee or assignee of any Lease, or expectant on the determination of an Estate for a term of years absolute vested in any person not being a mere lessee or assignee of any Lease, to obtain for the benefit of himself and all other persons seised or possessed of or entitled to any Estate in the Lands on which such apportioned Annual Rent shall for the time being be charged, a release of all or any of such Lands from such apportioned Annual Rent: Provided nevertheless, That it shall not be lawful for any person so seised or entitled in respect of an undivided share only of any Lands on which any apportioned Annual Rent shall for the time being be charged, to obtain a release of such Lands or of his undivided share thereof from such apportioned Annual Rent, unless the person enabled by this Act or otherwise to obtain a release of such Lands from such apportioned Annual Rent in respect of the other undivided share of such Lands shall concur in obtaining such release.

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And

Releases of Lands from Annual Rents to be made in consideration either of the Conveyance of part of the Lands charged therewith, or of a gross sum of Money.

And be it further Enacted, That if at any time while any Lands shall remain charged with an apportioned Annual Rent, it shall be desired to release under this Act from such apportioned Annual Rent all or any of the Lands on which such apportioned Annual Rent shall
 5 for the time being be charged, then the consideration for such release shall be both or one of the considerations following; (that is to say) the consideration of a conveyance of part of the Lands on which such apportioned Annual Rent shall for the time being be charged, or the consideration of the payment of a gross sum of Money; and the Lands
 10 and the amount of the sum of Money to be respectively conveyed and paid as a consideration for such release shall be fixed on by the persons respectively releasing and obtaining the release from such apportioned Annual Rent; and the consideration for every such release shall be
 15 either both or such of the said considerations as the persons respectively releasing and obtaining the release from such apportioned Annual Rent shall determine.

Power to the Person obtaining a Release of Lands from an Annual Rent to convey Lands in consideration of such Release.

And be it further Enacted, That if it shall be proposed to release under this Act from an apportioned Annual Rent all or any of the Lands on which such apportioned Annual Rent shall for the time being
 20 be charged, and the consideration for such release shall be either wholly or in part the conveyance of part of the Lands on which such apportioned Annual Rent shall for the time being be charged, then it shall be lawful for the person empowered by this Act to obtain a release from such apportioned Annual Rent to convey the Lands fixed on as
 25 the consideration for such release to the person making such release, and his heirs, to the uses and upon and for the trusts, intents and purposes to, upon and for which such apportioned Annual Rent shall be subject at the time of such enfranchisement.

Power to the Person obtaining a Release of Lands from an Annual Rent to charge such Lands with a gross sum of Money.

And be it further Enacted, That if it shall be proposed to release
 30 under this Act from an apportioned Annual Rent all or any of the Lands on which such apportioned Annual Rent shall for the time being be charged, and the consideration for such release shall be either wholly or in part the payment of a gross sum of Money, then it shall be lawful for the person empowered by this Act to obtain a release from such
 35 apportioned Annual Rent to charge with the payment of such sum the Lands on which such apportioned Annual Rent shall for the time being be charged, or such of them as he shall think fit, and for securing the payment of such sum, with lawful interest for the same, to demise by way of mortgage for any term of years the Lands so charged to the person
 40 who shall advance and lend such sum, or to such other person as he shall appoint, so as such demise be made with a proviso or condition declaring that such demise shall be void on payment of the sum thereby secured, with the interest thereof, at a time to be therein appointed; and no person afterwards becoming entitled to such Lands

shall be liable to pay any further or larger arrear of interest than for *Six* calendar Months preceding the time when his title to the possession of the Lands so demised shall have commenced.

16.

Persons may apportion and release from an Annual Rent, notwithstanding the Person enfranchising the Lands on which it is charged, or apportioning it, might have done so independently of this Act.

And be it further Enacted, That every person seised of an apportioned Annual Rent, or entitled to the receipt thereof for a particular Estate, may under this Act respectively divide and apportion and release the same, notwithstanding the Lord of the Manor who enfranchised the Lands on which such apportioned Annual Rent shall for the time being be charged, or the person who divided and apportioned such apportioned Annual Rent, was at the time of such enfranchisement and apportionment respectively enabled, independently of this Act, to enfranchise such Lands, or (as the case may be) to divide and apportion such apportioned Annual Rent.

17.

Persons may concur in the Apportionment of, or obtain a Release from an Annual Rent, notwithstanding the Person obtaining the Enfranchisement or concurring in the Apportionment of such Annual Rent might have done so independently of this Act.

And be it further Enacted, That every person seised of Lands on which an apportioned Annual Rent shall for the time being be charged, or entitled to the receipt of the rents, issues and profits thereof for a particular Estate, may under this Act concur in an apportionment of such apportioned Annual Rent, and obtain a release from such apportioned Annual Rent, and as a consideration either wholly or in part for such release, convey any of the Lands charged with such apportioned Annual Rent, or charge the same with the payment of a gross sum of Money, and demise the same by way of mortgage for any term of years to any person advancing such sum, notwithstanding the person obtaining the enfranchisement of such Lands, or (as the case may be) concurring in the division or apportionment of such apportioned Annual Rent, was at the time of such enfranchisement and apportionment respectively enabled, independently of this Act, to obtain the enfranchisement of such Lands, and to concur in the apportionment of such apportioned Annual Rent.

18.

Annual Rents and gross Sums charged on Lands under this Act to be first Charges on such Lands.

And be it further Enacted, That every apportioned Annual Rent and gross sum of Money, which shall be charged on any Lands under the authority of this Act, shall be a first charge on such Lands, and shall have priority over all mortgages, charges and incumbrances whatsoever affecting such Lands, notwithstanding such mortgages, charges and incumbrances shall have been or shall be respectively made and created before such apportioned Annual Rent or gross sum shall be charged on such Lands.

19.

Persons to be considered entitled to Manors, Lands or Annual Rents, notwithstanding the same shall be charged or incumbered.

And be it further Enacted, That a person shall for the purposes of this Act be considered as seised of any Manor, Lands of any tenure, or apportioned Annual Rent, or entitled to the receipt of the rents, issues and profits of such Manor or Lands, or to the receipt of such apportioned Annual Rent, notwithstanding he shall be so seised or entitled, either at law or in equity, subject to any mortgage, charge or incumbrance

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incumbrance affecting such Manor, Lands or apportioned Annual Rent, or his Estate only therein, and whether such Manor, Lands or apportioned Annual Rent, or his Estate therein, shall have been so mortgaged, charged or incumbered, either by himself or by any other person, and
 5 notwithstanding the whole of the rents, issues and profits of such Manor or Lands, or the whole of such apportioned Annual Rent (as the case may be), or of his Estate therein respectively, shall be required for the payment of the mortgage, charge or incumbrance affecting such Manor, Lands or apportioned Annual Rent, or his Estate therein respectively,
 10 and of the interest thereon.

And be it further Enacted, That Lands held by Copy of Court Roll which shall be enfranchised under this Act shall, from and after the enfranchisement thereof, be held of the Lord of the Manor of which such Lands were parcel at the time of such enfranchisement in free
 15 and common socage, under and subject to such rents and heriots as would have been respectively payable to and demandable by the Lord of such Manor in respect of such Lands if such enfranchisement had not been made: Provided nevertheless, That the enfranchisement under this Act of Lands held by Copy of Court Roll, shall not take
 20 away or destroy any rights of common, or other rights, liberties and privileges annexed or appurtenant to such Lands, or lawfully claimed or enjoyed in respect thereof immediately previous to and at the time of the enfranchisement of such Lands.

20.
 Lands enfranchised to be held of the Lord of the Manor in free and common socage, subject to the Rents payable for such Lands at the time of their Enfranchisement.

Provided always, and be it further Enacted, That if at the time
 25 when it is proposed to make under this Act any enfranchisement of Lands held by Copy of Court Roll, or any apportionment of an apportioned Annual Rent, or any release of an apportioned Annual Rent, the particular Estate of the person for the time being to make such enfranchisement, apportionment or release, and in respect of which it
 30 is proposed to make the same, shall be subject to any Estate for years (not being a mortgage for a term of years, and not being a satisfied term of years attendant on the inheritance, and not being an Estate vested in any person as a mere lessee or assignee of any lease), or shall be subject to any mortgage or charge, then every such enfranchisement,
 35 apportionment and release shall be made with the consent of the person for the time being beneficially entitled to such Estate for years, mortgage or charge.

21.
 Enfranchisements of Lands, or Apportionments of or Releases from Annual Rents, shall be made with the consent of Persons entitled to Estates for Years, Mortgages or Charges.

Provided always, and be it further Enacted, That if at the time when
 40 it is proposed, in consideration of any enfranchisement under this Act, to convey any Lands held by Copy of Court Roll, or to grant any Annual Rent, or to charge the Lands enfranchised with any gross sum of Money; or if at the time when it is proposed to make any apportionment under this Act of an apportioned Annual Rent; or if at the time

22.
 Conveyances, Grants, Charges, and Apportionments shall be made with the consent of Persons entitled to Estates for Years, Mortgages or Charges.

when it is proposed to convey any Lands, in consideration of a release under this Act, from an apportioned Annual Rent, the particular Estate of the person for the time being to make such conveyance, grant or charge, or to concur in such apportionment, and in respect of which it is proposed respectively to make or concur in the same, 5 shall be subject to any Estate for years (not being a mortgage for a term of years, and not being a satisfied term of years attendant on the inheritance, and not being an Estate vested in any person as a mere lessee or assignee of any lease), or shall be subject to any mortgage or charge, then every such conveyance, grant, charge, or apportionment 10 shall be made with the consent of the person for the time being beneficially entitled to such Estate for years, mortgage or charge.

23.

If the Person to make any Enfranchisement, &c. shall be an Archbishop or Bishop, then such Enfranchisement, &c. shall be made with the consent of the Dean and Chapter, &c.

Provided always, and be it further Enacted, That if the person to make or obtain any enfranchisement, conveyance, grant, release or charge, or to make or concur in any apportionment under this Act, 15 shall be an Archbishop or Bishop, in respect of any Manor or Lands of any tenure whatsoever, situate either within his diocese, or within any peculiar jurisdiction belonging to him in that capacity, then such enfranchisement, conveyance, grant, release, charge or apportionment shall be respectively made, obtained or concurred in with the consent 20 of the Dean and Chapter of the Cathedral Church, or the Chapter of the Cathedral Church which shall be locally situate within the diocese of such Archbishop or Bishop.

24.

If the Person to make any Enfranchisement, &c. shall be a Dean and Chapter, &c., such Enfranchisement, &c. shall be made with the consent of the Bishop.

Provided always, and be it further Enacted, That if the person to make or obtain any enfranchisement, conveyance, grant, release or 25 charge, or to make or concur in any apportionment under this Act, shall be a Dean of any Cathedral or Collegiate Church, or a Dean and Chapter of any Cathedral or Collegiate Church, or the Chapter of any Cathedral or Collegiate Church, or a Canon of any Cathedral or Collegiate Church, or the Prebendary of any Prebend founded in 30 any Cathedral or Collegiate Church, or the Vicars of any Cathedral or Collegiate Church; then such enfranchisement, conveyance, grant, release, charge or apportionment shall be respectively made, obtained and concurred in with the consent of the Bishop of the Diocese within which such Cathedral or Collegiate Church shall be locally situate. 35

25.

If the Person to make any Enfranchisement, &c. shall be a lay Corporation founded in a Cathedral Church, such Enfranchisement, &c. shall be made with the consent of the Dean and Chapter.

Provided always, and be it further Enacted, That if the person to make or obtain any enfranchisement, conveyance, grant, release or charge, or to make or concur in any apportionment under this Act, shall be a lay Corporation founded in any Cathedral or Collegiate Church, then such enfranchisement, conveyance, grant, release, charge 40 or apportionment shall be respectively made, obtained or concurred in, with the consent of the Dean and Chapter of the Cathedral or Collegiate Church, or the Chapter of the Cathedral or Collegiate Church in which such lay Corporation shall be founded.

Provided

5 Provided always, and be it further Enacted, That if the person to make or obtain any enfranchisement, conveyance, grant, release or charge, or to make or concur in any apportionment under this Act, shall be a Dean of any peculiar or exempt jurisdiction, then such enfranchisement, conveyance, grant, release, charge or apportionment shall be respectively made, obtained or concurred in, with the consent of the Bishop of the diocese within which the place over which the jurisdiction of such Dean shall extend shall be locally situate.

If the Person to make any Enfranchisement, &c. shall be a Dean of a peculiar, such Enfranchisement, &c. shall be made with the consent of the Bishop.

10 Provided always, and be it further Enacted, That if the person to make or obtain any enfranchisement, conveyance, grant, release or charge, or to make or concur in any apportionment under this Act, shall be a Parson, Vicar or other Incumbent for the time being of any Parochial Church or Chapelry, or Perpetual Curacy, or a Dean of any peculiar Church or Chapelry without jurisdiction; then such enfranchisement, conveyance, grant, release, charge or apportionment shall be respectively made, obtained or concurred in, with the consent of the Patron of such Parochial Church or Chapelry, or Perpetual Curacy, or peculiar Church or Chapelry, and also of the Bishop of the diocese within which the same is locally situate.

If the Person to make any Enfranchisement, &c. shall be a Parson or Vicar, &c., then such Enfranchisement, &c. shall be made with the consent of the Patron and Ordinary.

20 Provided always, and be it further Enacted, That if at the time when it is proposed to convey under this Act any Lands held by Copy of Court Roll, in consideration of the enfranchisement of any Lands held by Copy of Court Roll, or to convey any Lands in consideration of a release from an apportioned Annual Rent, such Lands shall be held, together with the Lands proposed to be enfranchised, or the Lands proposed to be released from the apportioned Annual Rent, or any other Lands, under any Lease at one entire pecuniary rent, and the person to make such conveyance shall, in respect of the particular Estate empowering him to make such conveyance, be entitled, either at law or in equity, to the rent reserved and made payable in such Lease or any part thereof; then no such conveyance shall be made without the consent of the lessee under such Lease, his executors, administrators or assigns.

Where Lands proposed to be conveyed shall be held on Lease, with other Hereditaments, at an entire Rent, no such Conveyance shall be made without the consent of the Lessee.

35 Provided always, and be it further Enacted, That if at the time when it is proposed to convey under this Act any Lands held by Copy of Court Roll, in consideration of the enfranchisement of any Lands held by Copy of Court Roll, or to convey any Lands in consideration of a release from an apportioned Annual Rent, such Lands shall be held, together with the Lands proposed to be enfranchised, or the Lands proposed to be released from the apportioned Annual Rent, or any other Lands, under any Lease at one entire pecuniary rent, and the person to make such conveyance shall, in respect of the particular Estate empowering him to make such conveyance, be entitled, either at law or in equity, to the rent reserved and made payable in such

Where Lands proposed to be conveyed shall be held on Lease, with other Hereditaments, at an entire Rent, the Person empowered to make such Conveyance shall concur with the Lessee and the Person to whom such Conveyance shall be made in apportioning such Rent.

Lease, or any part thereof, then the person to make such conveyance shall concur with the lessee under such Lease, his executors, administrators or assigns, and with the person to whom such conveyance shall be made in dividing and apportioning the rent reserved by such Lease, and fixing and determining what part of such rent shall be thenceforth charged on and issuing out of such Lands, and the part so fixed and determined on shall be accordingly charged on and issuing out of such Lands, and the residue of such rent shall be thenceforth payable and issuing out of the other hereditaments comprised in such Lease. 5

30.

Where Lands proposed to be charged with an Annual Rent or a gross Sum shall be held on Lease, and the Rent payable under such Lease shall be less than the Annual Rent or the Interest on such Sum, no such charge shall be made without the consent of the Lessee.

Provided always, and be it further Enacted, That if at the time when it is proposed under this Act to charge any Lands either with an Annual Rent or a gross sum of Money, the Lands proposed to be so charged shall be held on Lease, and no rent shall be reserved and made payable in such Lease, or the rent reserved and made payable in such Lease shall not be a pecuniary rent, or the pecuniary rent (if any) reserved and made payable in such Lease shall be less in amount than the Annual Rent or the interest on the sum proposed to be charged on such Lands, and the person to make such charge shall in respect of the Estate empowering him to make such charge, be entitled, either at law or in equity, to the rent reserved and made payable in such Lease or any part thereof, or would have been so entitled to such rent in case any rent had been reserved and made payable in such Lease, then no such charge shall be made without the consent of the lessee under such Lease, his executors, administrators or assigns. 10 15 20 25

31.

When Lands charged with an Annual Rent, proposed to be apportioned, shall be held on Lease, no such Apportionment shall be made without the consent of the Lessee.

Provided always, and be it further Enacted, That if at the time when it is proposed under this Act to apportion any apportioned Annual Rent, the Lands charged with such apportioned Annual Rent shall be held under any Lease, and the person to concur in such apportionment shall, in respect of the particular Estate empowering him to concur therein, be entitled to the rent reserved and made payable in such Lease, or any part thereof, or would have been so entitled to such rent in case any rent had been reserved or made payable in such Lease, then no such apportionment shall be made without the consent of the lessee under such Lease, his executors, administrators or assigns. 30 35

32.

Sub-lessees not to be liable, in consequence of any Charge or Apportionment to the payment of a greater Sum than they were before liable to.

Provided always, and be it further Enacted, That a sub-lessee under any sub-lease, his executors, administrators or assigns, shall not, in consequence of any charge under this Act with an Annual Rent or a gross sum of Money, or in consequence of any apportionment under this Act of an apportioned Annual Rent, or of any rent reserved in any Lease, be liable to the payment of any greater sum of 40

of Money than he would have been subject or liable to if such charge or apportionment had not been made.

Provided always, and be it further Enacted, That a person shall for the purposes of this Act be considered as entitled to the rent reserved and made payable in any Lease in respect of which the consent of any Lessee, or his executors, administrators or assigns, is made requisite to any conveyance, charge or apportionment under this Act, notwithstanding the Lands of any tenure whatsoever comprised in such Lease, or the Estate of the person to make such conveyance, charge or apportionment shall have been mortgaged, charged or incumbered, either by himself or by any other person, and notwithstanding the whole of the rents reserved and made payable in such Lease, or of his share of such rents, shall be required for the payment of the mortgage, charge or incumbrance affecting such Lands, or his Estate therein, and of the interest thereon.

33.
Persons to be considered entitled to Rents reserved on Leases, in respect of which Consents are made necessary by this Act, notwithstanding any Charges on the Lands comprised therein.

And be it further Enacted, That if at the time when it is proposed to make under this Act any enfranchisement of Lands held by Copy of Court Roll, or any apportionment of an apportioned Annual Rent, or any release from an apportioned Annual Rent, the person empowered by this Act to enfranchise such Lands or to apportion such apportioned Annual Rent, or to release from such apportioned Annual Rent, shall be a minor, idiot or lunatic, then the Guardian of such minor, or the Committee of the Estate of such idiot or lunatic (as the case may be), shall for the purposes of this Act be substituted in the place of such minor, idiot or lunatic, as the case may be; and all acts, deeds, matters and things which the person who shall be such minor, idiot or lunatic might, if he had not been a minor, idiot or lunatic, have done and executed under this Act, for the purpose of enfranchising such Lands, or apportioning such apportioned Annual Rent, or releasing from such apportioned Annual Rent, shall be done and executed by the Guardian of such minor, or the Committee of such idiot or lunatic (as the case may be).

34.
If the Person to enfranchise any Lands, or apportion or release any Annual Rent, shall be an Infant or Lunatic, the Guardian of such Infant or Committee of such Lunatic shall be substituted in his place.

Provided always, and be it further Enacted, That if at the time when it is proposed to obtain under this Act the enfranchisement of any Lands held by Copy of Court Roll, or the release of any Lands from an apportioned Annual Rent; or if at the time when it is proposed, in consideration of the enfranchisement of any Lands held by Copy of Court Roll, to make under this Act any conveyance of Lands held by Copy of Court Roll, or any grant of an Annual Rent, or any charge of a gross sum of Money on any Lands; or if at the time when it is proposed, in consideration of the release from any apportioned Annual Rent, to make under this Act a conveyance of

35.
If the Person to obtain an Enfranchisement of Lands, or a Release from an Annual Rent, or to concur in the Apportionment of an Annual Rent, shall be an Infant or Lunatic, the Guardian of the Infant or Committee of the Lunatic shall be substituted in his place.

any Lands; or if at the time when it is proposed to apportion any apportioned Annual Rent, the person empowered by this Act to obtain such enfranchisement or release, or to make such conveyance, grant or charge, or to concur in such apportionment, shall be a minor, idiot or lunatic, then the Guardian of such minor, or the Committee of the Estate of such idiot or lunatic (as the case may be), shall for the purposes of this Act be substituted in the place of such minor, idiot or lunatic, as the case may be; and all acts, deeds, matters and things which the person who shall be such minor, idiot or lunatic might, if he had not been a minor, idiot or lunatic, have done and executed under this Act for the purpose of obtaining such enfranchisement or release, or of making such conveyance, grant or charge, or of concurring in such apportionment, shall be made and executed by the Guardian of such minor, or the Committee of such idiot or lunatic (as the case may be).

36.

Gross sums of Money to be paid for the Enfranchisement of Lands and the Release from an Annual Rent shall, except in the case of an Ecclesiastical Corporation, be paid to Trustees to be appointed by Two Barristers of Seven Years' standing, &c.

And be it further Enacted, That if the consideration for any enfranchisement under this Act, or for any release under this Act from an apportioned Annual Rent, shall be either wholly or in part the payment of a gross sum of Money, and the person to make such enfranchisement or release shall make the same under the authority of this Act, but shall not be an Ecclesiastical Corporation, then the sum to be paid, either wholly or in part, as the consideration for such enfranchisement or release, shall be paid to *Three* or more Trustees, to be nominated and appointed by *Two* Barristers-at-Law, each of whom shall be of at least *Seven Years'* standing at the Bar; and when and so often as, in consequence of any of the Trustees so to be appointed as aforesaid, or to be appointed as hereinafter directed, dying or declining to act in the trusts hereby in them reposed, there shall not be at least *Two* persons who shall be Trustees willing and capable to act in the said trusts, then and in every such case, and immediately thereupon, the surviving or continuing Trustees, or the last surviving or continuing Trustee, or the executors or administrators of the last surviving or continuing Trustee, shall and they and he are and is hereby required to appoint any person or persons to be a new Trustee or new Trustees to act in the said trusts, but so nevertheless that there shall at all times be at least *Two* Trustees to act in the said trusts; and upon every such appointment of new Trustees, or of a new Trustee, the sum, lands, stocks, funds and securities which shall be then vested in the Trustee or Trustees so dying or declining to act as aforesaid, either solely or jointly with any other Trustee or Trustees, shall with all convenient speed be paid, conveyed, assigned and transferred so as to be vested in such new Trustee or Trustees, either solely or jointly with the surviving or continuing Trustee or Trustees, as occasion shall require.

And

And be it further Enacted, That if the consideration for any enfranchisement under this Act, or for any release under this Act from an apportioned Annual Rent, shall be either wholly or in part the payment of a gross sum of Money, and the person to make such enfranchisement or release shall be an Ecclesiastical Corporation either
 5 aggregate or sole, then the sum to be paid, either wholly or in part, as the consideration for such enfranchisement or release, shall be paid to the Governors authorized or appointed to regulate and superintend the Bounty given by her late Majesty Queen ANNE for the
 10 augmentation of the maintenance of the poor Clergy.

37.
 Gross Sums to be paid for the Enfranchisement of Lands or the Release of an Annual Rent shall, in the case of an Ecclesiastical Corporation, be paid to the Governors of Queen Anne's Bounty.

And be it further Enacted, That the receipts of the persons to whom any gross sum of Money shall be paid pursuant to this Act shall be sufficient discharges for the same, and the person paying such gross sum of Money shall not be liable to see to the application
 15 of such sum, or be liable for the misapplication or non-application thereof.

38.
 The Receipts of the Persons to whom any gross Sums shall be paid pursuant to this Act shall be sufficient discharges, &c.

And be it further Enacted, That every gross sum of Money paid pursuant to this Act, in consideration either wholly or in part for the enfranchisement of any Lands held by Copy of Court Roll, or for the release from any apportioned Annual Rent, shall be applied
 20 in or towards the payment or discharge of any mortgage, charge, lien or incumbrance which shall affect the Manor of which the Lands enfranchised shall be parcel, or any Lands of any tenure whatsoever, which shall be then subject to the same uses as such Manor, or, as
 25 the case may be, which shall affect the apportioned Annual Rent released, or any Lands of any tenure whatsoever, which shall be subject to the same uses as such apportioned Annual Rent, or shall be invested in the purchase of Lands of an indefeasible estate of inheritance in fee-simple, in possession or subject only to any lease at
 30 rack-rent; and the Lands so to be purchased shall be settled to, for and upon such and the like uses, trusts, intents and purposes as such Manor, or, as the case may be, such apportioned Annual Rent shall be subject at the time of making such conveyance; or in case of a sum of Money paid either wholly or in part for the enfranchisement
 35 of Lands held by Copy of Court Roll, shall be applied in or towards the purchase or redemption of the land-tax payable in respect of the Manor of which the Lands enfranchised shall be parcel, or of any Lands of any tenure whatsoever which shall be subject to the same uses as such Manor; and every gross sum of Money paid pursuant
 40 to this Act, in consideration either wholly or in part for the enfranchisement of any Lands held by Copy of Court Roll, or for the release from any apportioned Annual Rent, shall in the meantime and until the same shall be applied or invested in such payments or purchases as aforesaid, be invested in the Three per centum Consolidated, or Three per centum Reduced Bank Annuities, or in Government or

39.
 Persons to whom gross Sums shall be paid pursuant to this Act, shall apply the same in paying off charges affecting the Manor or Annual Rent, or in the purchase of other Estates, to be settled to the same uses, or in the redemption of the Land-tax, and in the mean time invest the same in Government or real Securities.

real securities in England or Wales, and the dividends or interest arising therefrom shall be paid to the person who would for the time being have been entitled to the rents and profits of the Lands so to be purchased, conveyed and settled, in case the same had been then actually purchased, conveyed and settled.

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40.

Power to persons to exercise the powers of this Act, though otherwise enabled to effect the objects thereof.

Provided always, and be it further Enacted, That it shall be lawful for every person seised of in possession any Manor or Lands of any tenure whatsoever, or entitled to the receipt of the rents, issues and profits thereof, or seised of in possession any apportioned annual rent, or entitled to the receipt thereof, to make or obtain any enfranchisement or release, or to make any conveyance, grant, charge or demise, or to make or concur in any apportionment under the powers and authorities contained in this Act, notwithstanding such person shall not be so seised or entitled for a particular estate, in case such person shall be enabled, independently of this Act, to make or obtain such enfranchisement or release, or to make such conveyance, grant, charge or demise, or to make or concur in such apportionment, as the case may be, on the terms and in the manner on and in which he shall make the same; and every enfranchisement, release, conveyance, grant, charge, demise and apportionment which shall be so respectively made, obtained or concurred in by any person so enabled as aforesaid, who shall profess to exercise the powers and authorities of this Act, shall be deemed and taken, for all purposes whatsoever, to be an enfranchisement, release, conveyance, grant, charge, demise and apportionment respectively made, obtained or concurred in under this Act.

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41.

The previous provisions in this Act not to affect powers of appointment.

Provided always, and be it further Enacted, That the powers, authorities and provisions hereinbefore contained shall not be deemed or taken to prejudice or affect any power contained in any Settlement, Deed or Will, either already executed or at any time hereafter to be executed.

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42.

Every Enfranchisement, &c. under this Act to be made by the same Assurance as if the Person making the same had been seised in fee at law, and such Assurance shall operate by transmutation of possession, and pass an Estate in fee-simple at law.

And be it further Enacted, That every enfranchisement, release, conveyance, grant, charge, demise and apportionment which shall be made under this Act, shall be effected by some one of the assurances (not being a will) by which such enfranchisement, release, conveyance, grant, charge, demise and apportionment could be made, if the person making the same was seised for an estate at law in fee-simple absolute of the Manor, Lands of any tenure whatsoever, or apportioned Annual Rent to be respectively affected by such enfranchisement, release, conveyance, grant, charge, demise and apportionment; and if the person to make such assurance shall be the husband of a feme covert, then such feme covert shall concur in such assurance; and every assurance by which a feme covert shall so concur, shall be acknowledged by her pursuant to an Act passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act for the

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Abolition

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Abolition of Fines and Recoveries, and for the substitution of more simple Modes of Assurance ;” and if any Manor, Lands of any tenure whatsoever, or apportioned Annual Rent shall be settled to the separate use of a feme covert, such assurance shall be made by her as if
 5 she were a feme sole; and every assurance by which any enfranchisement, conveyance, grant or demise shall be made, shall take effect by transmutation of possession; and every assurance by which any enfranchisement, conveyance or grant shall be made, shall pass a sufficient seisin at law to serve the uses, trusts, intents and purposes
 10 to, upon and for which such assurance is to be made, according to the provisions of this Act ; and every conveyance and grant under this Act, in consideration of the enfranchisement of Lands held by Copy of Court Roll, shall be made by the same assurance by which such Lands shall be enfranchised; and every conveyance under this Act, in
 15 consideration of the release of an apportioned Annual Rent, shall be made by the same assurance by which such apportioned Annual Rent shall be released ; and every assurance by which any such enfranchisement, release, conveyance, grant, charge, demise or apportionment shall be made under this Act, shall be sealed and delivered
 20 by the person making the same in the presence of and shall be attested by *Two* or more Witnesses.

And be it further Enacted, That where the concurrence or consent of any person shall be requisite under this Act to any enfranchisement, release, conveyance, grant, charge, demise or apportionment,
 25 such concurrence or consent shall be given by the assurance by which the enfranchisement, release, conveyance, grant, charge, demise or apportionment shall be made ; and the person whose concurrence or consent shall be requisite, shall seal and deliver such assurance in the presence of *Two* or more Witnesses, who shall attest
 30 such sealing and delivery.

43.
 Where the concurrence of any Person is required to any Enfranchisement, &c. the same shall be given by the same Assurance by which the Enfranchisement, &c. shall be made.

Provided always, and be it further Enacted, That all Lands held by Copy of Court Roll which shall be conveyed, and all Annual Rents which shall be granted in consideration, either wholly or in part, of the enfranchisement under this Act of Lands held by Copy
 35 of Court Roll, shall, from and immediately after such conveyance or grant, be discharged from all settlements, wills, mortgages, deeds and other instruments, estates, rights, titles, interests, incumbrances, claims and demands, which at the time of such conveyance or grant shall affect the Lands conveyed or charged with such Annual Rent, and shall be thenceforth subject to all such settlements, wills, mort-
 40 gages, deeds and other instruments, estates, rights, titles, interests, incumbrances, claims and demands, and no other, as shall affect the Manors of which the Lands enfranchised were respectively parcel at the time of their enfranchisement.

44.
 Lands conveyed and Annual Rents granted on Enfranchisement, shall be subject to such Settlements, Wills, &c. and no other, as shall affect the Manor.

45.

Lands conveyed in consideration of the Release of an Annual Rent shall be subject to such Settlements, Wills, Deeds, &c. and no other, as shall affect such Annual Rent.

Provided always, and be it further Enacted, That all Lands which shall be conveyed under this Act in consideration, either wholly or in part, of the release of an apportioned Annual Rent, shall, from and immediately after such conveyance, be thenceforth discharged from all settlements, wills, mortgages, deeds and other instruments, estates, rights, titles, interests and incumbrances, claims and demands, which shall affect such Lands at the time of such conveyance, and shall thenceforth be subject and liable to all such settlements, wills, mortgages, deeds and other instruments, estates, rights, titles, interests, incumbrances, claims and demands, and no other, as shall affect the apportioned Annual Rent so released.

46.

Lands enfranchised shall be subject to such Settlements, Wills, &c. and no other, as shall affect such Lands at the time of the Enfranchisement.

Provided always, and be it further Enacted, That all Lands held by Copy of Court Roll, and enfranchised under this Act, shall, from and immediately after such enfranchisement, be discharged from all settlements, wills, mortgages, deeds and other instruments, rights, titles, interests, incumbrances, claims and demands, which shall affect the Manor of which such Lands shall be parcel at the time of such enfranchisement, and shall thenceforth be subject and liable to all such settlements, wills, mortgages, deeds and other instruments, estates, rights, titles, interests, incumbrances, claims and demands, and no other, as shall affect such Lands (not being customary or copyhold payments, duties, services or customs), and shall be also subject to all such wills made prior to such enfranchisement by persons living at the time of such enfranchisement, as would have affected such Lands if such enfranchisement had not been made.

47.

Lands which shall be released from an Annual Rent shall be subject to such Settlements, Wills, &c., and no other, as shall affect such Lands at the time of the Release.

Provided always, and be it further Enacted, That all Lands which shall be released under this Act from an apportioned Annual Rent, shall from and after such release be discharged from all settlements, wills, mortgages, deeds and other instruments, estates, rights, titles, interests, incumbrances, claims and demands, which shall affect such apportioned Annual Rent at the time of such release, and shall thenceforth be subject to such settlements, wills, mortgages, deeds and other instruments, estates, rights, titles, interests, incumbrances, claims and demands, and no other, as shall affect such Lands.

48.

Assurances to be binding on all Persons having claims on the Manors, Lands or Annual Rents comprised in such Assurances, and Recitals therein to be conclusive evidence.

Provided always, and be it further Enacted, That every assurance by which an enfranchisement, grant, conveyance, release, charge, demise or apportionment shall be made under this Act shall be valid and binding on all persons whomsoever having or claiming any estate, right, title, interest, charge, lien, incumbrance, claim or demand whatsoever in, to, out of or upon the Manor of which the Lands enfranchised were parcel at the time of such enfranchisement, or in, to, out of or upon the Lands of any tenure whatsoever, and apportioned Annual Rent respectively enfranchised, granted, conveyed, released,

released, charged, demised and apportioned, or who might or would have had and claimed any estate, right, title, interest, charge, lien, incumbrance, claim and demand whatsoever in, to, out of or upon such Manor, Lands and apportioned Annual Rent respectively if
 5 such assurance had not been made, and that—notwithstanding any defect in the title of the persons respectively making and executing such assurance, or concurring in or consenting to the same; and the recital of any deed, will or other document which shall be recited in any assurance by which an enfranchisement, grant, conveyance,
 10 release, charge, demise or apportionment shall be made under this Act, shall for all purposes whatsoever be deemed conclusive evidence of the contents of such deed, will or other document; and it shall not be necessary to produce in any court of law or equity, or otherwise, any deed, will or other document in verification of any such
 15 recital; but nevertheless, it shall be competent for a Court of Equity to set aside any such assurance on the ground of fraud.

Provided always, and be it further Enacted, That if at the time of the conveyance under this Act of any Lands held by Copy of Court Roll, in consideration either wholly or in part of the enfranchisement
 20 of any Lands held by Copy of Court Roll, there shall be subsisting in the Lands so conveyed any lease (not being an under-lease), then the lessee under such lease, his executors, administrators and assigns, shall pay, observe and keep to and with the person to whom such Lands shall be so conveyed, or other the person for the time being
 25 seised of or entitled to such Lands expectant on the determination of such lease, and his executors or administrators, the rent, reservations, covenants, conditions and agreements respectively reserved and contained in such lease, or such and so many or such part of the rent, reservations, covenants, conditions and agreements respectively reserved
 30 and contained in such lease, as are or ought to be thenceforth respectively paid, observed and kept in respect of the Lands so conveyed; and the person to whom such Lands shall be so conveyed, or other the person so for the time being seised of or entitled as aforesaid, shall and may from time to time make or bring all such
 35 distresses, actions, suits or entries for non-payment of such rent or reservations, or for non-performance of the covenants, conditions and agreements in such lease respectively reserved and contained, as could, in case such enfranchisement and conveyance had not been made, have been made or brought by the person making such
 40 conveyance, or other the person for the time being seised of or entitled to the reversion expectant on the determination of such lease; and that in all such distresses, actions, suits and entries, the rent, reservations, covenants, conditions and agreements in such lease reserved and contained on the part of the lessee, his executors, administrators or assigns, shall be deemed and taken to be annexed

49.

If, at the time of the conveyance of any Lands in consideration of an Enfranchisement, there shall be a Lease subsisting, the Person to whom such Lands shall be conveyed shall have the reversion on such Lease, and may distrain for the Rents and enforce the Covenants, &c.

to an immediate reversion vested in the person to whom such Lands shall be so conveyed, or other the person for the time being so seised of or entitled to such Lands as aforesaid.

50.

If, at the time of the Enfranchisement of any Lands, there shall be any Lease subsisting therein, the Freeholder shall have the reversion on that Lease, and may distrain for the Rents and enforce the Covenants, &c.

Provided always, and be it further Enacted, That if at the time of the enfranchisement under this Act of any Lands held by Copy of Court Roll, there shall be subsisting in such Lands any lease (not being an under-lease) then the lessee under such lease, his executors, administrators and assigns, shall pay, observe and keep to and with the person for the time being seised of or entitled to the Lands so enfranchised, and his executors or administrators, the rent, reservations, covenants, conditions and agreements respectively reserved and contained in such lease, or such and so many or such part of the rent, reservations, covenants, conditions and agreements respectively reserved and contained in such lease, as are or ought to be thenceforth respectively paid, observed and kept, in respect of the Lands so enfranchised; and the person for the time being seised of or entitled to the Lands so enfranchised shall and may from time to time make or bring all such distresses, actions, suits or entries for non-payment of such rent or reservations, or for non-performance of the covenants, conditions and agreements in such lease respectively reserved and contained, as could have been made or brought by the person who would for the time being have been entitled to the Lands so enfranchised, in case such enfranchisement had not been made; and in all such distresses, actions, suits and entries, the rents or reservations, covenants, conditions and agreements in such lease reserved and contained on the part of the lessee, his executors, administrators or assigns, shall be deemed and taken to be annexed to an immediate reversion vested in the person for the time being seised of or entitled to the Lands so enfranchised.

51.

After the 31st of December 1836, no voluntary Grants shall be made of Lands to be held by Copy of Court Roll.

And be it further Enacted, That after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six*, it shall not be lawful for any person seised of or entitled to any Manor for any estate or interest whatsoever to make any voluntary Grant of Lands of any tenure whatsoever to be held by Copy of Court Roll.

52.

When and as, after the 31st December 1836, Lands held by Copy of Court Roll for Lives or Years, where there shall not be a perpetual Tenant right of renewal, shall become vested in the Person entitled to the Manor, and such Person shall be so entitled as Lessee or for a particular Estate, such Person may demise such Lands for the same Estate, &c. for

Provided always, and be it further Enacted, That when and so often as, after the *Thirty-first* day of *December One thousand eight hundred and Thirty-six*, any Lands held by Copy of Court Roll, being either Copyholds or Customaryholds for any life or lives, or Copyholds or Customaryholds for years, where there shall not, according to the custom of the Manor of which such Lands are parcel, be a perpetual tenant right of renewal, shall become vested in the person seised of or entitled to such Manor, freed and discharged from all claims and demands whatsoever by any person to have such Lands regranted out to be held by Copy of Court Roll, then in case the person in whom such Lands shall become vested shall

be

be seised of such Manor in possession, or entitled to the receipt of the rents, issues and profits thereof, as the lessee or assignee of any Lease, or for any particular Estate, it shall be lawful for such person to demise or lease such Lands for the same Estate or Estates, and
 5 either in possession or in reversion, as such Lands could, according to the custom of such Manor, have been granted out to hold by Copy of Court Roll in case this Act had not been passed, but nevertheless at, under and subject to such rents, heriots and payments as the person making such demise shall think fit, not being less than the
 10 rents, heriots and payments which would from the time of making such demise have become payable in respect of such Lands in case the same had, at the time of making such demise, been granted out to hold by Copy of Court Roll, instead of being so demised or leased: Provided nevertheless, That the widow of any person dying
 15 possessed of or entitled to any Lands comprised in any such demise, shall not be entitled to such Lands during her widowhood, whether, according to the custom of the Manor of which such Lands shall be parcel, she would or would not have been entitled to such Lands during her widowhood, in case the same had been held by Copy of
 20 Court Roll: Provided also nevertheless, That nothing herein contained shall be taken to authorize any person to make any demise or lease under this present clause, unless he shall be an Ecclesiastical Corporation, or (not being an Ecclesiastical Corporation) shall be seised, possessed or entitled for a particular Estate under a settlement,
 25 deed or other instrument not being a will, made or executed already, or on or before the said *Thirty-first day of December One thousand eight hundred and Thirty-six*, or under the will of any person who has died before the *passing of this Act*, or shall hereafter die before the said *Thirty-first day of December One thousand eight hundred and Thirty-*
 30 *six*, or unless he, or the person under whom he claims, shall be the lessee or assignee of any Lease already, or on or before the said *Thirty-first day of December One thousand eight hundred and Thirty-*
 35 *six*, granted by any person whomsoever, or shall be the lessee or assignee of any Lease at any time after the said *Thirty-first day of December One thousand eight hundred and Thirty-*
 40 *six*, granted by any Ecclesiastical Corporation, or granted by any person (not being an Ecclesiastical Corporation) already, or at any time hereafter, seised, possessed or entitled to a particular Estate under a settlement, deed or other instrument made or executed already, or on or before the said
Thirty-first day of December One thousand eight hundred and Thirty-
six, or under the will of any person who shall have died before the *passing of this Act*, or shall hereafter die before the said *Thirty-first day of December One thousand eight hundred and Thirty-six*.

which the Lands
 could have been
 granted out as
 Copyhold, if this
 Act had not passed.

And be it further Enacted, That all the powers and authorities given by this Act for the purpose of making or obtaining any en-
 188. franchisement

53.
 Powers of this Act
 extended to Col-
 legiate Corporations,

and to Trustees for charitable and other public purposes, and also to Trustees and other Persons empowered to sell.

franchisement or release, and of making any conveyance, grant, charge or demise, or of making or concurring in any apportionment, or of consenting to any enfranchisement, conveyance, grant, release, charge or apportionment, and all acts, deeds, matters and things empowered by this Act to be done and executed for any of the said purposes respectively, shall and may be exercised and done by the Masters, or other Heads and Fellows and Scholars, or other Societies of the several Colleges and Halls in the Universities of Oxford and Cambridge, and of the Colleges of Eaton and Winchester, and by the Masters and Brethren, or other Governors and Directors of Hospitals, and by the Trustee or Trustees for any such College, Hall or Hospital as aforesaid, and by the Feoffees or Trustees for any charitable, eleemosynary or other public purposes whatsoever, and by Trustees for the sale of Lands, and by persons authorized or directed by any Court of Equity to sell Lands; and all the provisions of this Act in any way relating to any of the purposes aforesaid, shall to all intents, constructions and purposes, apply to such Masters, or other Heads and Fellows and Scholars, or other Societies, Masters and Brethren, or other Governors and Directors, Feoffees, Trustees and persons respectively.

Copyholds Enfranchisement.

B I L L

To enable Persons having only partial Estates to enfranchise, and obtain the Enfranchisement of, Lands held by Copy of Court Roll.

(Prepared and brought in by

Mr. Attorney General and Mr. Solicitor General.)

Ordered, by the House of Commons, to be Printed,

14 April 1836.



A

B I L L

To repeal so much of an Act of the fifty-fourth year of King GEORGE the Third, commonly called “The Copyright Act,” as requires the gratuitous delivery of Eleven Copies of every published Book to Eleven of the Public Libraries of the Kingdom, in the said Act named, and to provide other means for the Encouragement of Learning.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by an Act passed in the fifty-fourth year of the reign of his late Majesty King GEORGE the Third, intituled, “An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books or their Assigns,” it is among other things enacted, that Eleven Copies of every published Book shall be gratuitously delivered to Eleven Public Libraries named in the said Act :

Preamble.

And whereas it has been found by experience that the gratuitous delivery of Eleven Copies of every published Book operates injuriously to the interests of Authors and Publishers, and in some cases prevents the publication of Works of great utility and importance :

And whereas it is desirable that some other mode should be provided of giving encouragement to Learning by securing a requisite supply of Books suitable to the uses of such of the Public Libraries named in the said Act as may not be possessed of funds adequate to the purchasing of the same ; ~~BE~~ it therefore Enacted, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1.—THAT so much of the said Act of the fifty-fourth year of the reign of King GEORGE the Third, as enacts that Eleven Copies of every published Book shall be delivered gratuitously to the Eleven Public Libraries in the said Act named, shall be and is hereby Repealed. 5

2.—THAT an annual Estimate, shall be laid before Parliament of the Sum requisite to be placed at the disposal of the Trustees of the British Museum, for the purchase of One Copy of every Work, whether printed or engraved, published within the British Dominions, for the purpose of preserving, within the Library of that National Institution, one complete and entire Collection of every thing issuing from the British Press. 10

3.—THAT the Publisher of every printed Book and Engraving shall send, within One Month from the date of its publication, One Copy of each Edition of every such Work to the Library of the British Museum, on delivery of which he shall be entitled to receive the Wholesale Price of the same. 15

4.—THAT the Trustees of the British Museum shall lay before Parliament an annual Account of all the Books and Engravings received during the past year within the Library of that Institution, with the sum paid for each Work respectively. 20

5.—THAT, with respect to the Ten other Public Libraries named in the said recited Act of the fifty-fourth year of the reign of King GEORGE the Third, it shall and may be lawful for the Lords of His Majesty's Treasury to issue and pay out of the Consolidated Fund, from year to year, the following Sums of Money, as Grants for the Encouragement of Learning, to the several Public Libraries hereinbelow enumerated; (videlicet) To the Bodleian Library at Oxford, Five hundred Pounds; to the Public Library at Cambridge, Five hundred Pounds; to the Library of Sion College, Two hundred Pounds; to the Library of the Faculty of Advocates in Edinburgh, Two hundred Pounds; to the Library of the University of Edinburgh, Three hundred Pounds; to the Library of the University of Glasgow, Three hundred Pounds; to the Library of the University of Saint Andrew's, Two hundred Pounds; to the Library of the University of Aberdeen, Three hundred Pounds; to the Library of Trinity College in Dublin, Three hundred Pounds; to the Library of King's Inn in Dublin, Two hundred Pounds; making in the whole the sum of Three thousand Pounds Sterling. 25 30 35 40

6.—THAT

6.-- THAT the Directors or Librarians of the several Libraries named above shall be bound by this Act to expend the whole of the several Sums granted to them in the purchase of Books only, and that an Account of such Expenditure, with the Titles of the Books purchased in the past year, and the Price paid for each, shall be laid annually before Parliament.

Copyright Act Amendment.

A

B I L L

To repeal so much of an Act of the fifty-fourth year of King George the Third, commonly called "The Copyright Act," as requires the gratuitous delivery of Eleven Copies of every published Book to Eleven of the Public Libraries of the Kingdom, in the said Act named, and to provide other means for the Encouragement of Learning.

(Prepared and brought in by
Mr. Buckingham, Colonel Thompson
and Mr. Everett.)

Ordered, by The House of Commons, to be Printed,
10 May 1836.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To repeal so much of an Act of the fifty-fourth year of King GEORGE the Third, commonly called “The Copyright Act,” as requires the gratuitous delivery of Eleven Copies of every published Book to Eleven of the Public Libraries of the Kingdom, in the said Act named, and to provide other means for the Encouragement of Learning.

[Note.—The Clauses marked (A.) to (C.) were added by the Committee.]

5 **W**HEREAS by an Act passed in the fifty-fourth year of the reign of his late Majesty King GEORGE the Third, intituled, “An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books or their Assigns,” it is, among other things, enacted, that Eleven Copies of every published Book shall be gratuitously delivered to Eleven Public Libraries named in the said Act :

Preamble.
54 Geo. 3.
c 156.

10 And whereas the provisions of the said Act have in certain respects operated to the injury of Authors and Publishers, and have in some cases checked or prevented the publication of Works of great utility and importance ; and it is therefore expedient that the said Act should be amended ; **B**E it therefore **E**nacted, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the
15 Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT so much of the said recited Act as requires that a Copy of every Book which shall be printed and published, shall be delivered in manner therein mentioned to the Warehousekeeper of the Company of Stationers for the

1.
CLAUSE (A.)
Act repealed
as to certain
Libraries.

use of the Library of Sion College, the Library of the Faculty of Advocates at *Edinburgh*, the Libraries of the Four Universities of *Scotland*, Trinity College Library, and the King's Inns Library at *Dublin*, shall be and the same is hereby Repealed.

2.
CLAUSE (B.)
 Compensation
 out of Con-
 solidated
 Fund.

And be it further Enacted, That it shall be lawful for the Lord High Treasurer, or for the Commissioners of His Majesty's Treasury, or any Three or more of them, from time to time to issue and pay out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to the Person or Persons, or Body Politic or Corporate, Proprietors or Managers of each of the aforesaid Libraries, such an annual Sum as may be equal in value, and a Compensation for the loss which any such Library may sustain by reason of the said Act being repealed, so far as relates to such Library, such annual Compensation to be ascertained and determined according to the real value of the Books which may have been actually received by each such Library, upon an average of the three years ending the Thirtieth day of June One thousand eight hundred and Thirty-six.

3.
CLAUSE (C.)
 Application
 of Compens-
 ation.

And be it further Enacted, That the Person or Persons, or Body Politic or Corporate, Proprietors or Managers of the Library for the use whereof any such Book would have been delivered, shall and they are hereby required to apply the annual Compensation hereby authorized to be made in the purchase of Books of Literature, Science and the Arts, for the use of and to be kept and preserved in such Library: Provided always, That it shall not be lawful for the said Lord High Treasurer, or Commissioners of His Majesty's Treasury, to direct the issue of any sum of money for such annual Compensation, until sufficient proof shall have been adduced before him or them of the application of the money last issued to the purpose aforesaid.

Copyright Act Amendment.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To repeal so much of an Act of the fifty-fourth year of King GEORGE the Third, commonly called "The Copyright Act," as requires the gratuitous delivery of Eleven Copies of every published Book to Eleven of the Public Libraries of the Kingdom, in the said Act named, and to provide other means for the Encouragement of Learning.

(Prepared and brought in by
*Mr. Buckingham, Colonel Thompson
and Mr. Ewart.*)

*Ordered, by The House of Commons, to be Printed,
14 July 1836.*



(Ireland.)

A

B I L L

To extend the Protection of Copyright Prints
and Engravings to Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WHEREAS an Act was passed in the seventeenth year of Preamble.
the reign of his late Majesty King GEORGE the Third,
intituled, “ An Act for more effectually securing the Property of
Prints to Inventors and Engravers, by enabling them to sue for and
recover Penalties in certain cases:” And whereas it is desirable to
5 extend the Provisions of the said Act to Ireland; BE it therefore
Enacted, by The KING’s most Excellent MAJESTY, by and with
the Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
10 of the same, THAT from and after the *passing of this Act*, all the
Provisions contained in the said recited Act of the seventeenth year
of the reign of his late Majesty King GEORGE the Third, shall be
and the same are hereby extended to the United Kingdom of Great
Britain and Ireland.

1.
Provisions of
17 Geo. 3.
extended to
Ireland.

Copyright.

(Ireland.)

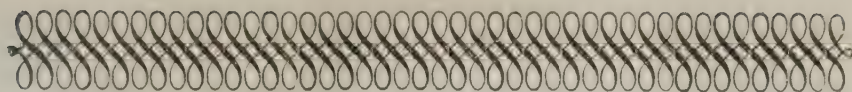
A

B I L L

To extend the Protection of Copyright in
Prints and Engravings to Ireland.

(Prepared and brought in by
Mr. Buckingham and Mr. Aglionby.)

Ordered, by The House of Commons, to be Printed,
14 June 1836.



(Ireland.)

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To extend the Protection of Copyright Prints and Engravings to *Ireland*.

[Note.—*The Clause marked (A.) was added by the Committee.*]

- W**HEREAS an Act was passed in the seventeenth year of the reign of his late Majesty King GEORGE the Third, intituled, “An Act for more effectually securing the Property of Prints to Inventors and Engravers, by enabling them to sue for and recover Penalties in certain cases:” AND whereas it is desirable to extend the Provisions of the said Act to Ireland; BE it therefore Enacted, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act, all the Provisions contained in the said recited Act of the seventeenth year of the reign of his late Majesty King GEORGE the Third, and of all the other Acts therein recited, shall be and the same are hereby extended to the United Kingdom of *Great Britain* and *Ireland*.
1. Provisions of 17 Geo. 3. extended to Ireland.
2. CLAUSE (A.) Penalty on engraving or publishing any Print without consent of Proprietor.
- 15 And be it further Enacted, That from and after the passing of this Act, if any Engraver, Etcher, Print-seller, or other person shall, within the time limited by the aforesaid recited Acts, engrave, etch or publish, or cause to be engraved, etched or published, any Engraving or Print of any description whatever, either in whole or in part, which may have been or which shall hereafter be published in any part of *Great Britain* or *Ireland*, without the express consent of the Proprietor

or Proprietors thereof first had and obtained in writing, signed by him, her or them respectively, with his, her or their own hand or hands, in the presence of and attested by Two or more credible Witnesses, then every such Proprietor shall and may, by and in a separate action upon the case, to be brought against the person so offending in any Court of Law in *Great Britain* or *Ireland*, recover such damages as a jury on the trial of such action, or on the execution of a Writ of Inquiry thereon, shall give or assess, together with Double costs of suit.

Copyright.

(Ireland.)

A

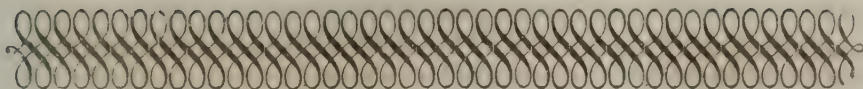
B I L L

[AS AMENDED BY THE COMMITTEE]

To extend the Protection of Copyright in
Prints and Engravings to *Ireland*.

(Prepared and brought in by
Mr. Buckingham and Mr. Aglionby.)

*Ordered, by The House of Commons, to be Printed,
11 July 1836.*



A

B I L L

To explain and amend an Act to provide for the Regulation of Municipal Corporations in England and Wales.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS an Act was passed in the last Session of Par-
liament, intituled, “An Act to provide for the Regulation
of Municipal Corporations in England and Wales,” providing, among
other things, for the election of certain Officers, in manner and form
therein declared ; but such elections have not in all cases been duly
made, according to the provisions of the said Act : And whereas
doubts are entertained before and by whom the meetings for such
elections can now be convened and held for the purpose of supplying
such deficiencies : And whereas the elections of Corporate Officers and
others are liable to be set aside by reason of any defect that may be in
the title of the presiding Officer before whom the election may have
been, notwithstanding that the election may have been otherwise good
in all respects :

Preamble.
5 & 6 Will.

FOR Remedy thereof,

BE it Enacted, by The KING’s most Excellent MAJESTY, by and
with the Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same, THAT no election of any Person into any corporate office
shall be liable to be questioned after the *passing of this Act*, by reason of
any defect in the title, or want of title, of the Person before whom
such election may have been held, provided that the Person before whom
such election shall have been held shall have been then in the actual
possession of or acting in the office giving the right to preside at such
election ; and all elections into any corporate office, made under the
provisions of the said Act for regulating Corporations since the Twenty-
fifth day of December last, and all Acts duly done in right of their
office since the said Twenty-fifth day of December by the Persons so
elected

1.
Elections not
to be set aside
because of
defects in Title
of presiding
Officer.

elected, shall be good to all intents and purposes, notwithstanding
 any defect in or want of title to the office giving a right to preside at
 any such Election of the person before whom or by whose authority any
 such election may have been held, or by whom any summons
 shall have been issued, or other act done for holding any such elec- 5
 tion in pursuance of the said Act, and notwithstanding that there may
 have been no such body corporate as is named in the said Act, in con-
 junction with the name of the borough in which such election may
 have been held: Provided nevertheless, That nothing hereinbefore
 contained shall prevent any such election or act done by the Persons 10
 so elected from being questioned and set aside by reason of any irre-
 gularity or defect other than is hereinbefore specified.

2.

Elections not
 to be set aside
 because held
 on the wrong
 day.

And be it Enacted, That no election made under the provisions of the
 said Act for regulating Corporations since the said Twenty-fifth day
 of December, shall be liable to be questioned after the *passing of* 15
this Act, by reason of the election having been held on a day other
 than that provided in the said Act for such election respectively;
 and every such election shall be as good, and all acts duly done in
 right of their office since the said Twenty-fifth day of December by
 the persons so elected, shall be good to all intents and purposes, as 20
 if such election had been in like manner on the day provided by the
 said Act: Provided nevertheless, That nothing hereinbefore contained
 shall prevent any such election or act done by the Persons elected
 from being questioned and set aside by reason of any irregularity or
 defect other than is hereinbefore specified.

3.

Election of
 Aldermen and
 Councillors
 good, though
 the whole
 number not
 elected to-
 gether.

And be it Enacted, That the election of every Alderman and
 Councillor, duly made according to the provisions of the said Act, or,
 if not duly made, not being liable to be questioned after the *passing of*
this Act, shall be good to all intents and purposes from the time of the
 election, notwithstanding that the full number of Aldermen or of 30
 Councillors respectively may not have been elected at the same
 time; and all acts duly done since the said Twenty-fifth day of
 December at any meeting of the Council of any Borough named in
 the said Act, by a majority of the members of the Council present
 at such meeting, the whole number present not being less than One-
 third part of the number of the whole Council shall be good, notwith- 35
 standing that the whole or due number of Aldermen or of Councillors
 may not have been then elected.

4.

If no Mayor,
 Councillor
 elected by the
 greatest num-
 ber of Votes to
 convene a
 Meeting for
 supplying
 Vacancies
 among the
 Councillors.

And be it Enacted, That in every Borough named in the said Act in
 which there shall be any vacancy in the number of Councillors, Auditors 40
 or Assessors, which ought to be filled up according to the provisions of
 the said Act, the Mayor, or if no Mayor shall have been elected, the
 Councillor who was elected by the greatest number of votes, shall forth-
 with convene a meeting or meetings of the burgesses of the whole borough,
 or of the burgesses of the several wards in which the vacancies may
 be that ought to be filled up (as the case may be), for the pur-
 pose of supplying such vacancies (if any), in the manner provided in
 the

the said Act, and, in default of a Mayor, such Councillor shall have in that behalf all the powers given by the said Act to the Mayor of the borough in the case of any extraordinary vacancy of the office of Councillor.

5.

- 5 And be it Enacted, That the Mayor of every Borough named in the said Act in which a Mayor shall have been elected, and in which the full number of Aldermen shall not have been elected, and in every Borough in which no Mayor shall have been elected, the Councillor, elected by the greatest number of votes, shall, within *Fourteen Days* after the *passing of this Act*, convene a Meeting of the Council, for the purpose of filling any vacancies in the office of Alderman or of Mayor, or of Mayor and Alderman, as the case may be; and at every such Meeting such Mayor or Councillor shall preside, and the Council shall proceed to elect the Aldermen then to be elected; and immediately after the election of Aldermen, if any Aldermen are then to be elected, the Council shall proceed to elect a Mayor, if no Mayor had been before that time elected; and the Councillor by whom the Meeting was convened shall continue to preside at the election of Mayor; and in every case of vacancy which may be occasioned among the Councillors by reason of any such election of Alderman, and which ought to be filled according to the provisions of the said Act, the Mayor shall convene a Meeting of Burgesses for the purpose of filling such vacancy in the manner provided by the said Act in the case of extraordinary vacancies in the office of Councillor: Provided always, That the President of any such Meeting of the Council held under the provisions of this Act for the election of a Mayor or Alderman in any Borough in which a Mayor shall not have been elected, shall not have any second or casting vote, in case of an equality of votes.

Mayor or Councillor to convene a Meeting of the Council to supply Vacancies in the office of Alderman or Mayor

6.

- 30 And be it Enacted, That in every Borough named in the said Act, in which the full number of Aldermen or the Mayor shall not have been elected by the Council before the *passing of this Act*, or within *Fourteen Days* after the *passing of this Act*, the Burgesses of the Borough shall, on the *Twenty-first day* after the *passing of this Act*, openly assemble and elect from the Councillors or Persons qualified to be Councillors, the Aldermen then to be elected, and if no Mayor had been elected by the Council, the Burgesses shall at the same time elect the Mayor from the Councillors elected before the *passing of this Act*; and such election shall be held and the voting and other proceedings, in case of a contest, shall be conducted in the same manner and subject to the same provisions as are enacted in the said Act with respect to the election of Councillors in a Borough not divided into Wards, and the Mayor or Councillor elected by the greatest number of votes as aforesaid, as the case may be, shall preside at such election.

If the Council fail to elect, the Burgesses to elect the Mayor and Aldermen.

7.

- And be it Enacted, That all elections had before the *passing of this Act*, or to be had under this Act, in any Borough at any time before the election of Assessors for such Borough, shall be as good as if held before the Mayor and Assessors jointly.

Elections before Mayor or Councillor alone, until election of Assessors, to be valid.

8.

5 & 6 W. 4.
c. 76. s. 43.
in part re-
pealed; two
Revising As-
sessor's to be
chosen as the
Burgesses' two
Auditors are.

AND whereas by the said Act it is provided, that in every case in which there shall be a division into Wards of any Borough, the Assessors who shall hold the Court for revising the Burgess Lists with the Mayor shall be the Assessors of the Mayor's Ward; and it may be, in case the Mayor shall be chosen from among the Aldermen, that there is no Mayor's Ward in such Borough; BE it Enacted, That so much of the said Act as provides that the Assessors who shall hold the Court for revising the Burgess Lists with the Mayor shall be the Assessors of the Mayor's Ward, is hereby repealed; and in every Borough divided into Wards *Two* Assessors shall be chosen on the *Twenty-first* day after the *passing of this Act*, and in every subsequent year, on the *First* day of *March*, to hold the Court for revising the Burgess Lists with the Mayor, in like manner as is provided in the said Act concerning the election of Two Auditors of such Borough.

9.

If Councillors
were elected
without con-
test, the
Council to
decide who
are first to go
out of office.

AND whereas by the said Act it is provided, that the Councillors who shall first go out of office shall be those Councillors who were elected by the smallest number of votes, and that in case of an equality of votes, the majority of the Council shall determine who are first to go out of office; but it is doubtful who are first to go out of office in those boroughs in which the election of Councillors was not contested; BE it Enacted, That in every such case the majority of the Council shall decide which Councillors shall go out of office in this and in the following year.

10.

Corporate
Offices may be
resigned on
payment of
the Fine for
non-accept-
tance.
Power to the
Council to
remit such
Fines.

AND whereas no provision is made in the said Act for resigning any Corporate Office on payment of a Fine or otherwise; BE it Enacted, That every Person elected into any Corporate Office in any of the said Boroughs may at any time resign such office on payment of the Fine which he would have been liable to pay for non-acceptance of the same office: Provided always, That it shall be lawful for the Council of such Borough, in their discretion, to remit the whole or any part of such Fine, and every resignation of the office of Mayor, Alderman or Councillor in any of the said Boroughs heretofore made with the concurrence of the Council, with or without payment of any Fine, is hereby confirmed and declared to be good to all intents; provided also, that no Person enabled by law to make a Declaration instead of taking an oath, shall be liable to any Fine for non-acceptance of office in any Borough by reason of his refusal on conscientious grounds to take any Oath or make any Declaration required by the said Act.

11.

Sessions of the
Peace rightly
holden
although no
Justices of the
quorum pre-
sent.

AND whereas by the said Act it is provided, that every Court of Gaol Delivery or General or Quarter Sessions of the Peace in and for any of the said Boroughs for which such Court might be holden at the time of the passing of the said Act, might be holden in like manner until the First day of May One thousand eight hundred and Thirty-six, as if that Act had not been passed, and doubts have been entertained whether such Court could therefore be holden otherwise than before the Mayor or Alderman, or other officer or officers, being Justices, who were theretofore

theretofore specially required to be present at the holding of any such Court; BE it Enacted and Declared, That any such Court holden at any time since the passing of the said recited Act and before the *passing of this Act*, before the Recorder or any *Two* persons, who at the time of the passing of the said recited Act were entitled to act as Justices of the Peace for the said Borough, was well and lawfully holden.

AND whereas it is expedient to enlarge the powers given to the Councils of the Boroughs named in the said Act, in which a separate Court of Quarter Sessions of the Peace shall be holden, of contracting with the Justices of the Peace having authority or jurisdiction in and over any Gaol or House of Correction of the County, Riding or Division wherein such Borough is situated, or whereunto it is adjacent, for the conveyance, support and maintenance in such last-mentioned Gaol or House of Correction of prisoners committed thereto from such Borough; BE it Enacted, That it shall be lawful to try any such Prisoner at the Borough Court of Quarter Sessions of the Peace, and for the proper Officer of such Borough to direct the removal of such Prisoner for trial, and to do all other acts necessary for such trial, or consequent thereon, notwithstanding that the Gaol or House of Correction, so receiving under contract a Prisoner committed for trial, may be situate more than *Two* Miles from the usual place of trial of such Borough.

And be it Enacted, That in every case in which any proceeding shall have been had since the said Twenty-fifth day of December against any person usurping, or unlawfully holding, but for the passing of this Act, any corporate office in any of the said Boroughs, or in which any proceeding shall have been commenced before the *passing of this Act* for enjoining any person or persons, or body corporate, to proceed to a new election into any corporate office in the room of any person, who, but for the passing of this Act, would have been adjudged to usurp or unlawfully to hold such office, it shall be lawful for the person or persons, or body corporate, against whom such proceeding shall have been had or commenced, to apply to the Court of King's Bench, if such Court shall be sitting, or otherwise to any Judge of one of the Superior Courts at Westminster, for an order that such proceeding shall be discontinued on payment of the costs incurred to the time of such application being made, such costs to be taxed according to the practice of the said Court of King's Bench; and the said Court and every such Judge is hereby required, on such application, and proof that sufficient notice of the application has been given to the attorney engaged in prosecuting such proceeding, to make such order, and thereupon every such proceeding shall be forthwith discontinued.

And be it Declared and Enacted, That the Borough and Town of Berwick-upon-Tweed, within the limits assigned to it by the said Act, or hereafter to be assigned to it by authority of Parliament, shall be a County of itself to all intents and purposes, except only so far as relates to the return of a Member or Members to serve in Parliament.

12.

Powers to try Prisoners at Borough Sessions, although committed for trial under contract with the County Justices to a County Prison more than *Two* Miles from the Borough.

13.

Proceedings on Quo Warranto and Mandamus may be discontinued on payment of Costs.

14.

Berwick-upon-Tweed declared a County to all intents but for Parliamentary Elections.

15.
Liberties be-
yond the old
Municipal
or Parliamen-
tary Borough
declared not
to be part of
the Borough.

And be it Declared and Enacted, That, notwithstanding any thing in the said Act contained, no part of the Liberties of any Borough, Town or City named in the said Act, which shall not have been included before the passing of the said Act within either the Municipal or the Parliamentary Boundary of such Borough, Town or City, shall be taken to be within the metes and bounds of such Borough, Town or City by virtue of the said Act: Provided always, That no election of Councillors, Auditors or Assessors heretofore made, or any other proceeding whatsoever, in such Borough, Town or City since the said Twenty-fifth day of December, shall be liable to be questioned after the *passing of this Act*, by reason that any such part of any Liberties may have been taken to be part of such Borough, Town or City under the provisions of the said Act.

Municipal Corporations Act Amendment.

A

B I L L

To explain and amend an Act to provide for the Regulation of Municipal Corporations in England and Wales.

(Prepared and brought in by

Mr. Attorney General and Mr. Solicitor General.)

Ordered, by The House of Commons, to be Printed,
11 February 1896.



A

B I L L

[AS AMENDED BY THE COMMITTEE]

To explain and amend an Act to provide for the Regulation
of Municipal Corporations in *England and Wales*.

[N. B.—*The Clauses marked (A.) to (H.) were inserted in the Committee.*]

WH E R E A S an Act was passed in the last Session of Par-
liament, intituled, “An Act to provide for the Regulation
of Municipal Corporations in *England and Wales*,” providing, among
other things, for the election of certain Officers, in manner and form
therein declared ; but such elections have not in all cases been duly
made, according to the provisions of the said Act: And whereas
doubts are entertained before and by whom the meetings for such
elections can now be convened and held for the purpose of supplying
such deficiencies: And whereas the elections of Corporate Officers and
others are liable to be set aside by reason of any defect that may be in
the title of the presiding Officer before whom the election may have
been, notwithstanding that the election may have been otherwise good
in all respects :

Preamble :
5 & 6 Will. 4,
c. 76.

FOR Remedy thereof,

BE it Enacted, by The KING’s most Excellent MAJESTY, by and
with the Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
of the same, THAT no election of any Person into any corporate office
shall be liable to be questioned after the passing of this Act by reason of
any defect in the title, or want of title, of the Person before whom
such election may have been held, provided that the Person before whom
such election shall have been held shall have been then in the actual
possession of or acting in the office giving the right to preside at such
election ; and all elections into any corporate office, made in any
borough named in the Schedules (A.) and (B.) annexed to the said Act
for regulating Corporations since the Twenty-fifth day of December
last, and all Acts duly done in right of their office since the said

1.
Elections not
to be set aside
because of
defects in Title
of presiding
Officer.

Twenty-fifth day of December by the Persons chosen at any such election, and all acts duly done by any Person with reference to any such Election, shall be good to all intents and purposes, notwithstanding that the Person or Persons before whom or by whose authority any such election may have been held, or by whom any summons shall have been issued, or other act done for holding or with reference to any such election, may not have been the person or persons legally entitled to preside at such election, or issue such summons or do such act as aforesaid, and notwithstanding that there may have been no such body corporate as is named in the said Act, in conjunction with the name of the borough in which such election may have been held: Provided nevertheless, That nothing hereinbefore contained shall prevent any such election or act done by any Person from being questioned and set aside by reason of any fraud or of any irregularity or defect other than is hereinbefore specified.

2.

Elections not to be set aside because held on the wrong day.

And be it Enacted, That no election made under the provisions of the said Act for regulating Corporations since the said Twenty-fifth day of December, shall be liable to be questioned after the passing of this Act, by reason of the election having been held on a day other than that provided in the said Act for such election respectively; and every such election shall be as good, and all acts duly done in right of their office since the said Twenty-fifth day of December by the persons so elected, shall be good to all intents and purposes, as if such election had been in like manner on the day provided by the said Act: Provided nevertheless, That nothing hereinbefore contained shall prevent any such election or act done by any Person from being questioned and set aside by reason of any fraud, or of any irregularity or defect other than is hereinbefore specified.

3.

Election of Aldermen and Councillors good, though the whole number not elected together.

And be it Enacted, That the election of every Mayor, Alderman and Councillor, duly made according to the provisions of the said Act, or, if not duly made, not being liable to be questioned after the passing of this Act, shall be good to all intents and purposes from the time of the election, notwithstanding that the full number of Aldermen or of Councillors respectively may not have been elected at the same time; and all acts duly done since the said Twenty-fifth day of December at any meeting of the Council of any Borough named in the said Act, by a majority of the members of the Council present at such meeting, the whole number present not being less than One-third part of the number of the whole Council, shall be good, notwithstanding that the whole or due number of Aldermen or of Councillors may not have been then elected.

4.

If no Mayor, Councillor elected by the greatest number of Votes to convene a Meeting for supplying

And be it Enacted, That in every Borough named in the said Act in which there shall be any vacancy in the number of Councillors or Ward Assessors, which ought to be filled up according to the provisions of the said Act, the burgesses of the borough, or of the several wards in which the vacancies may be that ought to be filled up (as the case may

Vacancies
among the
Councillors.

may be), shall, on the Fourteenth day after the passing of this Act, openly assemble and elect the Councillors and Ward Assessors then to be elected, for the purpose of supplying such vacancies (if any), in the manner provided in the said Act, and if no Mayor shall have
5 been elected in the borough, the Councillor elected by the greatest number of votes, or in the case of a borough divided into wards, the Councillors elected by the greatest number of votes in each ward jointly shall preside at such election, and shall have in that behalf all the powers given by the said Act to the Mayor of the borough in the
10 first election of Councillors.

And be it Enacted, That the Mayor of every Borough named in the said Act in which a Mayor shall have been elected, and in which the full number of Aldermen shall not have been elected, and in every Borough in which no Mayor shall have been elected, the Councillor
15 or Councillors, as aforesaid, elected by the greatest number of votes, shall, within Fourteen Days after the passing of this Act, convene a Meeting of the Council, for the purpose of filling any vacancies in the office of Alderman or of Mayor, or of Mayor and Alderman, as the case may be; and at every such Meeting such Mayor or Councillor
20 or Councillors shall preside, and the Council shall proceed to elect the Aldermen then to be elected; and immediately after the election of Aldermen, if any Aldermen are then to be elected, the Council shall proceed to elect a Mayor, if no Mayor had been before that time elected; and the Councillor or Councillors by whom the Meeting was
25 convened shall continue to preside at the election of Mayor; and in every case of vacancy which may be occasioned among the Councillors by reason of any such election of Alderman, and which ought to be filled according to the provisions of the said Act, the Mayor shall convene a Meeting of Burgesses for the purpose of filling such
30 vacancy in the manner provided by the said Act in the case of extraordinary vacancies in the office of Councillor: Provided always, That the President of any such Meeting of the Council held under the provisions of this Act for the election of a Mayor or Alderman in any Borough in which a Mayor shall not have been elected, shall not have any second or casting vote, in case of an equality of votes.
35

5.
Mayor or
Councillor to
convene a
Meeting of the
Council to
supply Vacan-
cies in the
office of Alder-
man or Mayor.

And be it Enacted, That in every Borough named in the said Act, in which the full number of Aldermen or the Mayor or Auditors shall not have been elected before the passing of this Act, or within Fourteen Days after the passing of this Act, the Burgesses of the
40 Borough shall, on the Twenty-first day after the passing of this Act, openly assemble and elect from the Persons duly qualified, the Aldermen and Auditors then to be elected, and if no Mayor had been elected by the Council, the Burgesses shall at the same time elect the Mayor from the Aldermen or Councillors elected before the passing of this Act; and such election shall be held and the voting and other proceedings, in case of a contest, shall be conducted in the same manner and subject to the same provisions as are enacted in the said Act with

6.
If the Council
fail to elect,
the Burgesses
to elect the
Mayor and
Aldermen.

respect to the election of Councillors in a Borough not divided into Wards, and the Mayor or Councillor or Councillors elected by the greatest number of votes as aforesaid, as the case may be, shall preside at such election.

7.
Elections before Mayor or Councillor alone, until election of Assessors, to be valid.

And be it Enacted, That all elections had before the passing of this Act, or to be had under this Act, in any Borough at any time before the election of Assessors for such Borough, shall be as good as if held before the Mayor and Assessors jointly. 5

8.
5 & 6 W. 4. c. 76. s. 43. in part repealed; two Revising Assessors to be chosen as the Burgesses' two Auditors are.

AND whereas by the said Act it is provided, that in every case in which there shall be a division into Wards of any Borough, the Assessors who shall hold the Court for revising the Burgess Lists with the Mayor shall be the Assessors of the Mayor's Ward; and it may be, in case the Mayor shall be chosen from among the Aldermen, that there is no Mayor's Ward in such Borough; BE it Enacted, That so much of the said Act as provides that the Assessors who shall hold the Court for revising the Burgess Lists with the Mayor shall be the Assessors of the Mayor's Ward, is hereby repealed; and in every Borough divided into Wards Two Assessors shall be chosen on the Twenty-first day after the passing of this Act, and in every subsequent year, on the First day of March, to hold the Court for revising the Burgess Lists with the Mayor, in like manner as is provided in the said Act concerning the election of Two Auditors of such Borough. 10 15 20

9.
CLAUSE (A.)
Sheriff to be elected on Ninth November instead of First November.

And be it Enacted, That so much of the said Act as provides for the appointment of any Sheriff on the First day of November in this or any following year, is hereby repealed; and that every such appointment of Sheriff shall be on the Ninth day of November, at the quarterly meeting of the Council, and immediately after the election of Mayor, and in all other respects according to the provisions of the said Act; and every Sheriff appointed under the provisions of the said Act or of this Act, shall hold his office until the appointment of his successor. 25 30

10.
CLAUSE (B.)
Poll may be closed in an hour if no Voters.

And be it Enacted, That at any election, under the provisions of the said Act, it shall be lawful for the presiding Officer to close the Poll at any time before Four of the clock, if one hour shall have elapsed during which no vote shall have been tendered for any candidate. 35

11.
CLAUSE (C.)
Burgess Roll to be conclusive.

And be it Enacted, That the Burgess Roll for the time being of any borough named in the said Schedules, shall be final and conclusive evidence of the title of any person to be on the Burgess list of any such borough.

12.
If Councillors were elected without contest, the Council to decide who are first to go out of office.

AND whereas by the said Act it is provided, that the Councillors who shall first go out of office shall be those Councillors who were elected by the smallest number of votes, and that in case of an equality of votes, the majority of the Council shall determine who are first to go 40 50

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go out of office; but it is doubtful who are first to go out of office in those boroughs in which the election of Councillors was not contested; BE it Enacted, That in every such case the majority of the Council shall decide which Councillors shall go out of office in this and in the following year.

AND whereas no provision is made in the said Act for resigning any Corporate Office on payment of a Fine or otherwise; BE it Enacted, That every Person elected into any Corporate Office in any of the said Boroughs may at any time resign such office on payment of the Fine which he would have been liable to pay for non-acceptance of the same office: Provided always, That it shall be lawful for the Council of such Borough, in their discretion, to remit the whole or any part of such Fine, and every resignation of the office of Mayor, Alderman or Councillor in any of the said Boroughs heretofore made with the concurrence of the Council, with or without payment of any Fine, is hereby confirmed and declared to be good to all intents; provided also, that no Person enabled by law to make an Affirmation instead of taking an oath, shall be liable to any Fine for non-acceptance of office in any Borough by reason of his refusal on conscientious grounds to take any Oath or make any Declaration required by the said Act, or to take upon himself the duties of such office.

13.
Corporate
Offices may be
resigned on
payment of
the Fine for
non-acceptance.
Power to the
Council to
remit such
Fines.

And whereas by the said Act it is provided that the Mayor of every borough named in the said Schedules (A.) and (B.) shall continue in his office for One whole Year; BE it Enacted, That the Mayor of every such borough shall continue in office for One whole Year, and until his successor shall have accepted the office of Mayor; and shall have made and subscribed the Declaration required in that behalf.

14.
CLAUSE (D.)
Mayor to hold
over until
acceptance of
office by his
Successor.

AND whereas by the said Act it is provided, that every Court of Gaol Delivery or General or Quarter Sessions of the Peace in and for any of the said Boroughs for which such Court might be holden at the time of the passing of the said Act, might be holden in like manner until the First day of May One thousand eight hundred and Thirty-six, as if that Act had not been passed, and doubts have been entertained whether such Court could therefore be holden otherwise than before the Mayor or Alderman, or other officer or officers, being Justices, who were theretofore specially required to be present at the holding of any such Court; BE it Enacted and Declared, That any such Court holden at any time since the passing of the said recited Act and before the passing of this Act, before the Recorder or any Two Persons, who at the time of the passing of the said recited Act were entitled to act as Justices of the Peace for the said Borough, was well and lawfully holden.

15.
Sessions of the
Peace rightly
holden
although no
Justices of the
quorum present.

AND whereas it is expedient to enlarge the powers given to the Councils of the Boroughs named in the said Act, in which a separate Court

16.
Powers to try
Prisoners at
Borough Sessions, although
committed for

trial under
contract with
the County
Justices to a
County Prison
more than Two
Miles from the
Borough.

Court of Quarter Sessions of the Peace shall be holden, of contracting with the Justices of the Peace having authority or jurisdiction in and over any Gaol or House of Correction of the County, Riding or Division wherein such Borough is situated, or whereunto it is adjacent, for the conveyance, support and maintenance in such last-mentioned Gaol or House of Correction of prisoners committed thereto from such Borough; BE it Enacted, That it shall be lawful to try any such Prisoner at the Borough Court of Quarter Sessions of the Peace, and for the proper Officer of such Borough to direct the removal of such Prisoner for trial, and to do all other acts necessary for such trial, or consequent thereon, notwithstanding that the Gaol or House of Correction, so receiving under contract a Prisoner committed for trial, may be situate more than Two Miles from the usual place of trial of such Borough.

17.

Proceedings
on Quo War-
ranto and
Mandamus
may be dis-
continued on
payment of
Costs.

And be it Enacted, That in every case in which any proceeding shall have been had since the said Twenty-fifth day of December against any Person usurping, or unlawfully holding, but for the passing of this Act, any corporate office in any of the said Boroughs, or in which any proceeding shall have been commenced before the passing of this Act for enjoining any person or persons, or body corporate, to proceed to a new election into any corporate office in the room of any person, who, but for the passing of this Act, would have been adjudged to usurp or unlawfully to hold such office, it shall be lawful for the person or persons, or body corporate, against whom such proceeding shall have been had or commenced, to apply to the Court of King's Bench, if such Court shall be sitting, or otherwise to any Judge of one of the Superior Courts at *Westminster*, for an order that such proceeding shall be discontinued on payment of the costs incurred to the time of such application being made, such costs to be taxed according to the practice of the said Court of King's Bench; and the said Court and every such Judge is hereby required, on such application, and proof that sufficient notice of the application has been given to the attorney engaged in prosecuting such proceeding, to make such order, and thereupon every such proceeding shall be forthwith discontinued.

18.

Berwick-upon-
Tweed de-
clared a
County to all
intents but for
Parliamentary
Elections.

And be it Declared and Enacted, That the Borough and Town of *Berwick-upon-Tweed*, within the limits assigned to it by the said Act, or hereafter to be assigned to it by authority of Parliament, shall be a County of itself to all intents and purposes, except only so far as relates to the return of a Member or Members to serve in Parliament.

19.

Liberties be-
yond the old
Municipal
or Parliamen-
tary Borough
declared not
to be part of
the Borough.

And be it Declared and Enacted, That, notwithstanding any thing in the said Act contained, no part of the Liberties of any Borough, Town or City named in the said Act, which shall not have been included before the passing of the said Act within the Parliamentary Boundary of such Borough, Town or City, shall be taken to be within the metes and bounds of such Borough, Town or City by virtue of the said Act; but every such Part shall be taken to be within and to be subject to the same jurisdiction as the County, Riding, Parts or Division wherein

wherein such Part is situated, or with which it has the longest common boundary: Provided always, That no election of Councillors, Auditors or Assessors heretofore made, or any other proceeding whatsoever, in such Borough, Town or City since the said Twenty-fifth day of December, shall be liable to be questioned after the passing of this Act, by reason that any such part of any Liberties may have been taken to be part of such Borough, Town or City under the provisions of the said Act.

20.
 CLAUSE (E.)
 Local Acts
 for the relief
 of the Poor
 not to be
 affected.

And be it Enacted, That nothing contained in the said Act for regulating Corporations shall be construed to affect any local Act heretofore passed for the relief and management of the Poor, or to alter the district comprised within the provisions of any such local Act.

21.
 CLAUSE (F.)
 Land and Assessed Taxes
 to be collected
 as heretofore.

And be it Enacted, That nothing contained in the said Act for regulating Corporations, shall be construed to affect or alter the assessments of the Land Tax or Assessed Taxes, or to extend or diminish the jurisdiction of any Commissioners of Land and Assessed Taxes; but that all Manors, Lands, Tenements and Hereditaments, and all Parishes and parts of Parishes and Places shall continue to be charged as heretofore towards the Land Tax charged upon the County or other district of which they were a part before the passing of the said recited Act, and to be subject in that behalf to the jurisdiction of the Commissioners of the same county or other district as they would have been if the said recited Act had not been passed.

22.
 CLAUSE (G.)
 Reservation
 of exemption
 from Tolls
 enjoyed by
 Persons in
 virtue of other
 than corporate
 rights.

And be it Enacted, That nothing contained in the said Act for regulating Corporations shall be construed to alter or affect the right of any Person claiming discharge or exemption from Tolls levied in whole or in part by or to the use of any Body Corporate by virtue of any title to such discharge or exemption other than as an inhabitant of any Borough, or as a Citizen, Freeman or Burgess, or as a Member by any name whatsoever of any Body Corporate named in the said Schedules, or as the Widow or Kindred of any such Inhabitant, Citizen, Freeman, Burgess or Member of such Body Corporate.

23.
 CLAUSE (H.)
 New Securities may be
 given for old
 Debts.

And be it Enacted, That it shall be lawful for the Council of any Borough named in the said Schedules to execute from time to time any Deed or Obligation in the name of the Body Corporate, whose Council they are, for securing repayment and satisfaction of any Debt or Obligation contracted by or on behalf of the said Body Corporate, before the passing of the said Act for regulating Corporations.

Municipal Corporations Act Amendment.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To explain and amend an Act to provide for
the Regulation of Municipal Corporations
in *England* and *Wales*.

(Prepared and brought in by
Mr. Attorney General and Mr. Solicitor General.)

*Ordered, by The House of Commons, to be Printed,
3 March 1836.*

2411

Municipal Corporations (*England*) Bill.

AMENDMENTS

Made by the Lords

To the BILL, intituled, AN ACT to explain and amend an Act to provide for the Regulation of Municipal Corporations in *England* and *Wales*.

N. B.—The Marginal Notes refer to the Press and Line of the Ingrossment.

- Pr. 3. l. 19. After (be) insert (as)
- l. 30. Leave out from (That) to (all) in press 4, line 2; and in press 4, line 2, after (all) insert (ministerial)
- Pr. 4. l. 15. After (the) insert (Schedules of the)
- l. 16. Leave out from (which) to (Number) in line 17, and insert (by reason of any failure in complying with the directions of the said Act, the full)
- l. 18. Leave out from (Assessors) to (according) in line 19, and insert (hath not been elected)
- l. 20. Leave out (provisions), and insert (true intent and meaning)
- l. 21. Leave out from (Borough) to (shall) in line 25, and in line 25 leave out (Fourteenth), and insert (Twenty-first)
- l. 28. Leave out (then), and in the same line leave out from (elected) to (in) in line 30; and in line 30 leave out (provided), and insert (directed)
- l. 31. After (and) insert (the Mayor or); and in line 31 leave out from (Mayor) to (been) in line 32, and insert (hath); and in line 32, leave out from (elected) to (shall) in line ult., and insert (the Alderman chosen by lot, or if no Alderman hath been elected, the Councillor chosen by lot, as hereinafter provided)
- Pr. 5. l. 1. Leave out (Election), and insert (Elections)
- l. 3. After the second (the) insert (said)
- l. 5. Leave out from (That) to (every) in line 6, and insert (in); and in line 6, after (the) insert (Schedules of the)
- l. 7. Leave out from (which) to (the) in line 8.
- l. 9. Leave out (shall not have), and insert (hath not)

- Pr. 5. l. 10. After (Borough) insert (named as aforesaid)
- l. 11. Leave out (shall have), and insert (hath)
- l. 12. Leave out from (elected) to (for) in line 17, and insert (the Council shall meet at noon on the Fourteenth day after the passing of this Act); and in line 17, after (purpose) insert (if a Mayor hath been elected); and also in line 17, after (filling) insert (up)
- l. 18. Leave out from (of) to (and) in line 21, and insert (Aldermen, and if no Mayor hath been elected of electing a Mayor); and in line 21 leave out from (meeting) to (shall) in line 23, and insert (of the Council, the Mayor, or if no Mayor hath been elected, the Alderman chosen by lot, or if no Alderman hath been elected, the Councillor chosen by lot, as hereinafter provided)
- l. 24. Leave out (elect the), and insert (the election of the Mayor or)
- l. 25. Leave out from (elected) to (have) in press 6, line 15, and insert (in the manner prescribed by the said Act; and the Mayor, Alderman or Councillor so presiding, as the case may be, shall)
- Pr. 6. l. 17. Leave out from (Votes) to (and) in press 7, line 6, and insert (at such Election); and also insert **CLAUSE (A.)**
- Pr. 8. l. 14. Leave out from (Successor) to (And) in line 28, and insert **CLAUSES (B.), (C.) and (D.)**
- Pr. 9. l. 1. After (such) insert (last-mentioned)
- Pr. 11. l. 18. Leave out from (Act) to (before) in line 21.
- Pr. 12. l. 1. Leave out from (holden) to (And) in line 22.
- Pr. 13. l. 17. After Borough insert **CLAUSE (E.)**
- l. ult. Leave out from (Requests) to (And) in press 15, line 17, and insert **CLAUSES (F.) and (G.)**
- Pr. 15. l. 27. Leave out from (Parliament) to (And) in press 16, line 25, and insert (and that the provisions of the Act passed in the third and fourth year of His Majesty, intituled, "An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Insurance," and the modes of Insurance therein provided, shall extend and apply to lands locally situated in the said Borough, Town and County, any law statute, custom or usage to the contrary notwithstanding); and also insert **CLAUSES (H.), (I.) and (K.)**
- Pr. 18. l. 1. Leave out from (Corporate) to (And) in press 19, line 3, and insert **CLAUSES (L.), (M.), (N.), (O.), (P.) and (Q.)**
- Pr. 19. l. 15 & 16. After (Corporations) insert **CLAUSE (R.)**
- l. 33. After (Borough) insert **CLAUSES (S.) and (T.)**
- l. 35. Leave out (Burgesses) and insert (Burgess)
- Pr. 20. l. 3. After (Borough) insert **CLAUSE (U.)**
- Pr. 21. l. 8. Leave out from (until) to (Courts) in line 10, and insert (other provision shall be made by Parliament in that behalf)
- l. 11. Leave out (and Quarter)
- l. 12. After (delivery) insert (shall and)
- l. 24. Leave out from (Towns) to (to) in line 29, and insert (of *Deal, Faversham, Folkestone and Tenterden*, or such of the said Towns)

Pr. 21. l. 35. After (Steward) insert (or Assessor, by whatsoever other name he was called)

l. ult. After (Steward) insert (or Assessor)

Pr. 22. l. 9. Leave out from (Act) to (with) in line 17, and insert (except as regards the trial of capital felonies, and so long as such Courts of General Sessions of the Peace and Gaol Delivery shall be holden, the offices of Clerk of the Peace and Coroner shall be holden and exercised by the same persons or by the same Officers of such of the said towns and ports, ancient town and towns respectively, to which His Majesty shall not grant a separate Court of Quarter Sessions by whom or by which the same were holden at the time of the passing of the said Act, or in case of their death or resignation or there being no longer such Officers, then by such persons as the Councils of such towns and ports, ancient town and towns respectively shall appoint to hold the same)

l. 25. Leave out from (may) to (be) in line 27.

l. 29. After (of) insert (General or), and in the same line leave out from (Sessions) to (of) in line 30.

l. 31. Leave out (and Gaol Delivery)

Pr. 22. l. 7. Leave out from (and) to (to) in line 9, and insert (a due proportion of inhabited householders)

l. 10. After (as) insert (Grand Jurors and), and in the same line leave out (such) and insert (the), and also in the same line after (of) insert (General or)

l. 11. Leave out from (Sessions) to (of) in line 12, and in line 12 leave out from (Peace) to CLAUSE (A.) added by way of rider to the Bill, and insert (of the said towns and ports of *Hastings*, *Sandwich*, *Dover* and *Hythe*, and of the said ancient town of *Rye*, shall be summoned by the Clerks of the Peace of the said towns and ports and ancient town from the non-corporate members and liberties thereof respectively; and the attendance of such Jurors shall be enforced, and their defaults punished in the manner by the said Act directed with respect to Jurors in Boroughs); and also insert CLAUSE (W.)

l. 22. In CLAUSE (A.) added by way of rider to the Bill :—

l. 1. Leave out from (Council) to (shall) in line 4, and insert (of each Borough, Town or City named in the said Schedules, or in which a Body Corporate of Mayor, Aldermen and Burgesses may be created under the provisions of the said Act)

l. 9. Leave out from (of) to (within) in line 10, and insert (the Mayor, Aldermen and Burgesses of that Borough, Town or City)

At the end of CLAUSE (A.) added by way of rider to the Bill, insert CLAUSES (X.), (Y.) and (Z.)

CLAUSE (A.) And be it Enacted, That in every case in which it shall be necessary to decide by lot as aforesaid, as soon as the Council shall have met on

the Fourteenth day after the passing of this Act, the names of each of the Aldermen separately, or if no Alderman hath been elected, the names of each of the Councillors separately shall be written on distinct pieces of paper of the same size, and rolled up separately, and placed in a glass or box, and then shaken together, and the Town Clerk, or the person officiating as such, shall then publicly draw out from the said box or glass one such piece of paper, and publicly read aloud the name of the person named therein; and the Alderman or Councillor whose name shall be so drawn out shall preside at such election: Provided always, That any Alderman or Councillor then present may require that all the names which remain undrawn shall be drawn and read aloud by the said Town Clerk, or person officiating as such.

CLAUSE
(B.)

And be it Enacted, That in case of illness or unavoidable absence, the Coroner for the time being of any Borough, Town or City named in the said Act, shall be empowered, and he is hereby required by writing under his hand and seal, to appoint a fit person, being a Barrister-at-Law, or an Attorney of one of His Majesty's Courts at *Westminster*, and not being an Alderman or Councillor of such Borough, Town or City, to act for him as Deputy Coroner, during the illness or unavoidable absence of such Coroner, but no longer or otherwise: Provided always, That the Mayor or Two Justices of such Borough, Town or City shall, on each occasion, certify under their hands and seals, the necessity for the appointment of such Deputy Coroner; and such Certificate shall state the cause of absence of the Coroner, and shall be openly read to every Inquest Jury summoned by such Deputy Coroner, and the particulars of every inquest holden before any Deputy Coroner shall be included in the Return to be made by the Coroner to the Secretary of State, as provided by the said Act.

CLAUSE
(C.)

And be it Enacted, That in every case in which the title of any person to be enrolled a Burgess of any Borough, Town or City named in the said Schedules shall be partly in respect of the occupancy and rating of some other person, it shall not be necessary, in support of the title of such person to be so enrolled, to prove that he was an Inhabitant Householder within the said Borough, Town or City, or within Seven Miles of the said Borough, Town or City, for a longer time than during his occupancy and rating in respect of the premises for which he shall be so enrolled: Provided always, That the other person, in respect of whose occupancy and rating he shall be so partially entitled, shall have been enrolled a Burgess at the time of the change of occupancy.

CLAUSE
(D.)

And be it Enacted, That notwithstanding any thing in the said Act contained, no person enrolled on the Burgess Roll for the time being of any Borough named in the Schedules to the said Act, and who shall

act

act as Mayor, Alderman or Councillor, Auditor or Assessor of such Borough, shall be liable to any penalty for so acting, on the ground that he was not entitled to be on the Burgess List of such Borough.

CLAUSE
(E.)

And be it Enacted, That the Justices of the Peace of any county, riding, parts or division of a county, shall have the same powers of contracting with the Council of any Borough, Town or City named in the said Schedules, in which it shall have been made to appear, to the satisfaction of one of His Majesty's Principal Secretaries of State, that there is a Gaol or House of Correction fit for the confinement of prisoners, for the conveyance to and support and maintenance in such Gaol or House of Correction of prisoners committed thereto by any Justice or Justices of such county, riding, parts or division of a county, which the Council of any other Borough have with respect to prisoners committed to such Gaol or House of Correction from such last-mentioned Borough; and all the provisions of an Act made in the fifth year of his late Majesty, intituled, "An Act for amending an Act of the last Session of Parliament relating to the building, repairing and enlarging of certain Gaols and Houses of Correction, and for procuring information as to the State of all other Gaols and Houses of Correction in *England* and *Wales*," shall extend, or as nearly as may be, to all such Contracts; and in case His Majesty shall have granted to the Borough, Town or City in which such Gaol or House of Correction shall be situated a separate Court of Quarter Sessions of the Peace, such offenders may be tried and sentenced by such Court for all offences of which the Court has cognizance, and punished accordingly; and all the provisions of the last-recited Act made in the fifth year of his late Majesty shall extend, as nearly as may be, to the trial and punishment of such offenders, and to all acts necessary for such trial, or consequent thereon.

CLAUSE
(F.)

And be it Enacted, That every thing provided under any local Act of Parliament to be done exclusively by any particular or limited number, class or description of the Members of any Body Corporate named in the Schedules (A.) and (B.) annexed to the said Act for regulating Corporations, the continuance of which is not inconsistent with the provisions of the said Act, and also every thing provided in any such local Acts to be done by the Justices, or by some particular class or description of Members of such Body Corporate, being Justices at some Court of General or Quarter Sessions assembled, and which does not relate to the business of a Court of Criminal or Civil Judicature, shall and may be done by the Council at some quarterly meeting of the Council, or by some Committee of the Council, or any Three or more of such Committee to be appointed at a quarterly meeting of the Council: Provided also, That every thing herein authorized to be done at a quarterly meeting of the Council, may be done at a meeting of the

Council to be specially summoned for that purpose, as soon as may be after the passing of this Act: Provided also, That no Recorder by virtue of his office shall have power to allow, apportion, make or levy, or do any act whatsoever with relation to the allowance, apportionment, making or levying of any rate whatsoever.

CLAUSE
(G.)

And be it Enacted, That every proceeding commenced before the last day of last term, and still pending in the Court of King's Bench against any person holding any corporate office in any of the said Boroughs, on grounds which it is herein declared shall not affect the validity of the election into such office, shall be discontinued immediately upon the passing of this Act, on such terms as to costs or otherwise as the Court of King's Bench shall direct; and the Prosecutor shall be entitled to receive from the Defendant in every such case such costs as the Court of King's Bench or some Judge of the same Court shall think just and reasonable.

CLAUSE
(H.)

And be it Enacted, That so much of the said Act for regulating Corporations, as provides that the metes and bounds of every Borough and County named in the said Act shall include the whole of the Liberties of such Borough and County by land and by water, is hereby repealed; and that notwithstanding any thing in the said Act contained, no part of any County, or of the Liberties of any Borough, Town or City named in the first section of the Schedules (A.) and (B.) annexed to the said Act for regulating Corporations, which before the passing of the said Act was not part of such Borough, Town or City, or within the Parliamentary Boundary of such Borough, Town or City, shall be taken to be within the metes and bounds of any such Borough, Town or City, or within the County of such Borough, Town or City, or to be within the jurisdiction of the Justices of such Borough, Town or City, or County of a Borough, Town or City; and that no part of any County, or of the Liberties of any Borough, Town or City named in the second section of the said Schedules (A.) and (B.) which was not part of such Borough, Town or City, before the passing of an Act passed in the second and third year of His Majesty, intituled, "An Act to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs in *England* and *Wales*, in so far as respects the Election of Members to serve in Parliament," shall be taken to be within the metes and bounds of any such Borough, Town or City, or within the County of such Borough, Town or City, or to be within the jurisdiction of the Justices of such Borough, Town or City, or County of a Borough, Town or City, but every such part, until Parliament shall otherwise direct, shall be taken to be within and to be subject to the same jurisdiction as the County, Riding, Parts or Divisions of a County, other than a County of a Borough, Town or City wherein such part is situated, or with which it has the longest common boundary: Provided also,

also, That all the provisions of the said Act for regulating Corporations, concerning the liability of the Rate-payers of any place or precinct which under the provisions of this Act shall not be included within any such Borough, Town or City, or County of a Borough, Town or City, to any debt to which the Rate-payers of such Borough, Town or City, or County of a Borough, Town or City, were liable to contribute before the passing of the said Act for regulating Corporations, shall be applicable to such place or precinct as if the same had not been included within the metes and bounds of such Borough, Town or City, under the provisions of the said Act for regulating Corporations : Provided also, That no election of any Mayor, Alderman, Councillor, Auditor or Assessor heretofore made, or any other proceeding whatsoever in any such Borough, Town or City, since the said Twenty-fifth day of December, shall be liable to be questioned after the passing of this Act, by reason that any such part of any County, or Liberties of any Borough, Town or City, may or may not have been taken to be part of such Borough, Town or City, under the provisions of the said Act.

CLAUSE
(I.)

Provided always, and be it Enacted, That notwithstanding any thing in this Act contained, the Borough of *Sunderland*, for the purposes of the said Act and until Parliament shall otherwise direct, shall consist of the parish of *Sunderland*, the townships of *Monkwearmouth* and *Monkwearmouth Shore*, and so much of the townships of *Bishop Wearmouth* and *Bishop Wearmouth Panns*, as is included within a circle of One Mile from the centre of *Wearmouth Bridge*.

CLAUSE
(K.)

And be it Enacted, That the Division of every Borough, Town and City into Wards by the Barrister or Barristers appointed in pursuance of the provisions of the said Act for regulating Corporations, shall not be annulled or vitiated by the exclusion of any Ward or Wards, or any part of any of the said Wards which shall be excluded from such Borough, Town or City by this Act, but the said Division shall remain in all other respects in force, until Parliament shall otherwise direct, as if the Ward or Wards, or part of a Ward or Wards so excluded from the Borough, Town or City had not been included therein : Provided nevertheless, That if any Borough, Town or City shall have been so divided into Wards, that the whole of any one or more Wards shall consist wholly of a District excluded from such Borough, Town or City by this Act, the Barrister or Barristers who originally divided the Borough, Town or City into Wards shall as soon as conveniently may be after the passing of this Act assign the Councillors who were chosen in such Ward or Wards to the remaining Wards of the Borough, Town or City, or such of them as he or they shall select, upon the same principles, or as nearly as may be in his or their judgment as were provided by the said Act for the guidance of the Barristers in their assignment of Coun-

cillors to each Ward ; and thenceforth, and until Parliament shall otherwise direct, the number of Councillors in each of the remaining Wards shall be the number originally assigned to such Ward by the Barrister or Barristers, with the addition of the number so assigned to it by the Barrister or Barristers under this Act ; and the Councillors so assigned under this Act to each Ward shall thenceforth be deemed to have been elected in the Ward to which they shall have been respectively so assigned, and shall go out of office, and vacancies among them shall be filled at the same time and in the same manner as if the Burgesses of the Ward by whom they were originally elected had been Burgesses of the Ward to which they shall have been so assigned.

CLAUSE
(L.)

And be it Enacted, That the said hereditaments, sums of money, chattels, securities for money, and other personal estate, shall continue in the persons who at the time of the passing of this Act shall be seised or possessed thereof as such Trustees, and in the Trustee or Trustees appointed to supply any vacancy by the Lord High Chancellor or Lords Commissioners of the Great Seal for the time being, in the manner provided by the said Act for regulating Corporations for one year from the expiration of the present Session of Parliament, unless Parliament shall sooner otherwise provide, any thing in the said Act notwithstanding.

CLAUSE
(M.)

And be it Enacted, That the Charitable Trustees of any Borough, or the greater part of them, shall have power, and are hereby required by an instrument in writing under their hands and seals, to appoint one of themselves, or some other fit person, to be a Clerk, who shall be called the Clerk to the Charitable Trustees of the Borough, Town or City where he shall be appointed, and every such Clerk may sue and be sued in his own name on behalf of the said Trustees without naming them, and may recover the trust monies, lands and tenements belonging to the said Trustees, either at law or in equity ; and all suits now pending against any Charitable Trustees, or against any Body Corporate in respect of any trust of which the said Trustees were continued as Trustees by the said Act for regulating Corporations, may be continued and carried on in the name of the Clerk to the Charitable Trustees without naming them, or in the name of one of the said Trustees without naming the others, or other of them : Provided always, That no such Clerk or Trustee so made Defendant in any suit or action on behalf of the Trustees shall be arrested on mesne process, nor shall execution issue against him, or against his lands, goods and chattels ; and in every such suit or action the Trustees shall pay all costs which the Defendant shall be adjudged to pay, subject to such order, as to reimbursement out of the trust estate or otherwise, as may be made by any Court of Equity.

And

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CLAUSE
(N.)

And be it Enacted, That any Stocks, Funds or public Securities which may be standing in the books of the Governor and Company of the Bank of *England*, or of any other public Company or Society, in the name of any Body Corporate named in the said Schedules, and the dividends and interest thereof, and all bonuses and accretions thereunto which shall belong to the said Body Corporate, without being subject to any trust for charitable purposes, may be transferred by and paid to such person or persons as the Council of the said Body Corporate shall appoint, by an instrument in writing under the corporate seal of the Borough; provided that such instrument of appointment shall be signed and sealed also by the Clerk to the Charitable Trustees of the Borough, who is hereby directed, upon request, to sign and seal the same.

CLAUSE
(O.)

And be it Enacted, That any Stocks, Funds, Securities and Monies standing as aforesaid in the name of any such Body Corporate which shall belong to the Charitable Trustees of the Borough solely upon some charitable trust or trusts, may be transferred by and paid to such person or persons as shall be appointed under the hands and seals of the greater part of the Trustees, which appointment shall be attested under the hand and seal of the said Clerk, provided that such instrument as last aforesaid shall be also sealed with the corporate seal of the Borough, and the Mayor of the Borough is hereby required, upon request, to cause the seal of the Borough to be affixed to such instrument of nomination.

CLAUSE
(P.)

And be it Enacted, That the dividends and interest of any Stocks, Funds, Securities and Monies standing as aforesaid in the name of any such Body Corporate which shall belong partly to the said Body Corporate, but subject to some charitable trust or trusts, may be paid to such person or persons as shall be authorized to have the same paid to him or them, by an instrument in writing under the corporate seal of the Borough, and appointed under the hands and seals of the greater part of the Trustees, which appointment shall be attested under the hand and seal of the said Clerk.

CLAUSE
(Q.)

And be it Enacted, That in every case the receipt of the person or persons authorized to give a receipt to the said Company or Society, by any instrument under the corporate seal of the said Borough, and also signed and sealed by the Clerk to the Charitable Trustees, shall be an effectual discharge to the said Company or Society, and all monies so paid shall be applied to the uses and in the manner provided by the said Act; that is to say, so much of the said monies as may be held on charitable trusts shall be paid over to the Charitable Trustees of the said Borough, and so much as the said Body Corporate shall be entitled to beneficially shall be paid over to the Treasurer of the

Borough and applied as directed by the said Act as part of the Borough Fund ; but no such public Company or Society as aforesaid shall be bound to see to the due application thereof, or to the validity of the appointment of the Clerk to the Charitable Trustees, or to the execution of any such instrument by any of the said Trustees, or to inquire whether or not the said stocks, funds, securities or monies are charged with or held upon any charitable trust ; and every person authorized to receive any monies under this Act shall account to the Council and to the Charitable Trustees respectively for all monies so received by him, and the Council and Trustees respectively shall have the same remedies against any such person refusing or wilfully neglecting so to account as are provided by the said Act for regulating Corporations, in the case of a Treasurer or other Officer appointed by the Council refusing or wilfully neglecting to account as provided by the said Act during the continuance of his office, or within Three Months after the expiration of his office.

CLAUSE
(R.)

And be it Enacted, That the power of disposition given to the Council of any Body Corporate, in the instances of demises for Seventy-five Years, authorized by the said Act, shall extend to the demise or lease thereof, either at a reserved rent or a fine, or both, as the Council shall think fit ; and the power of disposition allowed by the said Act over the said lands, tenements and hereditaments of such Body Corporate, to be exercised with the approbation of the Lords Commissioners of His Majesty's Treasury, or any Three of them, shall extend to the disposition of such lands, tenements and hereditaments, with such approbation as aforesaid, whether by way of absolute sale or by way of exchange, mortgage or charge, demise or lease, and to every other disposition of the same whatsoever, which shall be so approved of as aforesaid.

CLAUSE
(S.)

AND whereas by the said Act it is provided, that no person assigned to keep the peace within any Borough, Town or City under the provisions of the said Act shall by virtue of such assignment act as a Justice of the Peace in making or levying any County Rate, or Rate in the nature of a County Rate ; BE it Enacted, That notwithstanding any thing in the said Act contained, it shall be lawful for any such person to act as Justice of Peace in levying any County Rate, or Rate in the nature of a County Rate, which shall have been legally made previously to the First day of May One thousand eight hundred and Thirty-six.

CLAUSE
(T.)

And be it Enacted, That in any case in which, for the purpose of levying any County Rate, a Warrant might be lawfully issued by One or more Justices of the Peace, a Warrant may be lawfully issued in the like case by the Mayor of any Borough, under his hand and the corporate

corporate seal of the said Borough, whether the matter of such Warrant relates to the Borough Rate or to the Watch Rate ; and that in every case in which, in a matter relating to the County Rate, a Warrant is required to be directed to or issued by a High Constable, such Warrant may, in a like matter relating to the Borough Rate or Watch Rate, be directed to or issued by the High Constable of the Borough, or any Borough Officer of the like description, or by any person or persons who may have been or may hereafter be appointed by the Council of the Borough for the purpose of collecting the said Borough Rate or Watch Rate, or either of them.

CLAUSE
(U.)

AND whereas doubts have arisen as to the provisions of the said Act for regulating Corporations, respecting Judges in Borough Courts of Record for the trial of civil actions not regulated by the provisions of any Local Act of Parliament, or in which at the time of passing the said Act a Barrister of Five Years' standing did not act as Judge or Assessor ; BE it therefore Enacted and Declared, That from and after the passing of this Act, the Recorder of the Borough, when there is a Recorder, shall be the sole Judge of such Court for the trial of all issues joined in civil actions in such Court, and shall hold the said Court for that purpose once in every quarter of a year, or at such other or more frequent times as the said Recorder in his discretion may think fit, or as His Majesty shall think fit to direct : Provided always, That it shall not be necessary for the Recorder at any time to hold the said Court of Record unless some one or more issues shall be *bonâ fide* depending therein for trial : Provided also, That all Rules hereafter to be made for regulating the practice of such Courts shall be approved and signed by the Recorder of such Borough, if there shall be a Recorder, before the same shall be submitted to the Judges of the superior Courts for allowance and confirmation by them, according to the provisions of the said recited Act.

CLAUSE
(W.)

And be it Enacted, That His Majesty's Justices of the Peace acting under the authority of a commission or commissions issued by virtue of an Act passed in the fifty-first year of the reign of his late Majesty King GEORGE the Third, intituled, " An Act to facilitate the execution of Justice within the Cinque Ports," shall and may have and exercise all the jurisdiction, powers and authorities belonging to Justices of the Peace in counties relating to the granting of Licenses, or authorities to persons to keep inns, alehouses or victualling-houses, or to sell exciseable liquors by retail, within the non-corporate members and liberties of any of the said towns and ports of *Hastings, Sandwich, Dover* and *Hythe*, and of the ancient town of *Rye* respectively, which shall not have Justices of the Peace assigned to them by virtue of the said Act passed in the last Session of Parliament, and also within any of the said towns of *Deal, Faversham, Folkestone* and *Tenterden* respectively,

which shall not have Justices of the Peace assigned to them by virtue of the same Act.

CLAUSE
(X.)

AND whereas an Act was passed in the eleventh year of the reign of his late Majesty King GEORGE the First, intituled, "An Act for preventing the Inconveniencies arising for want of Elections of Mayors or other Chief Magistrates of Boroughs or Corporations being made upon the days appointed by Charter or Usage for that purpose," and directing in what manner such elections shall be afterwards made, and it is expedient to extend certain of the provisions of that Act; BE it therefore further Enacted, That from and after the passing of this Act, in case no election shall be made of any Mayor or any of the Aldermen, Councillors or other Corporate Officers in any of the Towns mentioned in the Schedules (A.) and (B.) annexed to the said Act of the fourth and fifth years of the reign of His present Majesty, for the regulation of Corporations upon the day or within the time appointed by the said last-recited Act, or by this Act, for any such election, or such election being made shall afterwards become void, whether such omission or avoidance shall happen through the default of the Officer or Officers who ought to preside at such election, or by any accident or other means whatsoever, the Corporation shall not thereby be deemed or taken to be dissolved or disabled from electing such Mayor, Alderman, Councillor or other Corporate Officer for the future, but in any case where no such election shall be made as aforesaid, the election for any such Alderman, Councillor or any other Corporate Officer may be had, held and proceeded with upon the day next after the day such election ought to have been made, unless such day shall happen to be a Sunday, and then upon the Monday following; and every act necessary to be done in order to and for the completing such election, shall and may be then done, and the same shall be as effectual and valid for all purposes as if the election had been held on the proper day appointed for that purpose.

CLAUSE
(Y.)

And be it Enacted, That from and after the passing of this Act, all the powers, authorities and jurisdiction given by the said recited Act of the eleventh year of the reign of his said late Majesty King GEORGE the First to His Majesty's Court of King's Bench, in cases where no Election shall be made of the Mayor, Bailiff or Bailiffs, or other chief Officer or Officers of Cities, Boroughs or Towns Corporate, upon the day or within the time appointed by charter or usage for that purpose, and no Election is made pursuant to the directions in that Act prescribed, or such Election being made shall afterwards become void, as in that Act mentioned, shall and the same are hereby extended to all cases in which no Election shall be made of any Mayor, Alderman, Councillor, or other Corporate Officer or other person, to any corporate office on the day or within the time appointed for any such Election
under

under the provisions of the said Act of the fifth and sixth years of the reign of His present Majesty for regulating Corporations, or of this Act ; and the said Court of King's Bench is hereby empowered in all such cases to award a Mandamus, and to cause such proceedings to be had thereupon, and to make such orders, and to do all other acts, matters and things in respect thereof as fully and effectually as the said Court is now by law authorized in any other cases of Mandamus for the Election of any Officers of Corporations ; and the Election to be held under such Mandamus shall be held, and the proceedings thereon conducted within the Borough in the same manner and under the like regulations and provisions as are in the said Act of his Majesty King GEORGE the First enacted and provided.

CLAUSE
(Z.)

AND whereas doubts have been entertained whether under the provisions of the said recited Act it may be lawful for His Majesty from time to time to constitute and appoint the Vice-Chancellor of the University of *Cambridge* for the time being a Justice of the Peace in and for the Town and Borough of *Cambridge* ; BE it therefore Enacted, That it shall be lawful for His Majesty, His heirs and successors, from time to time, if His Majesty shall so think fit, in and by His Commission of the Peace for the said Town and Borough, to constitute and appoint the Vice-Chancellor of the University for the time being a Justice of the Peace for the said Town and Borough, any thing in the said recited Act or in this Act to the contrary notwithstanding.

Municipal Corporations (*England*) Bill.

A M E N D M E N T S

Made by the Lords

To the BILL, intituled, AN ACT to explain
and amend an Act to provide for the Re-
gulation of Municipal Corporations in
England and *Wales*.

Ordered, by The House of Commons, to be Printed,
20 June 1836.

Municipal Corporations Act Amendment Bill.

A M E N D M E N T S

Made by the Lords

To the AMENDMENTS made by The COMMONS to the AMENDMENTS to the MUNICIPAL CORPORATIONS ACT AMENDMENT BILL;— with REASONS.

N. B.—The Marginal Note refers to the Press and Line of the Ingrossment.

THE Lords agree to the Amendments made by the Commons as far as Press 4, line 21.

The Lords propose to make the following Amendment in the original Bill:

Pr. 4. l. 28.

After (Assessors) insert (and Auditors), in order to give effect to the Amendment made by the Commons in Press 4, line 18, to which the Lords have agreed.

The Lords agree to the Amendments made by the Commons as far as Press 5, line 25.

The Lords insist upon their Amendment in Press 5, line 25, to which the Commons disagree, for the following Reasons:

Because by the Act for the Regulation of Municipal Corporations in *England* and *Wales*, the presiding Officer at Municipal Elections has a casting Vote, and the Amendment objected to by the Commons is in accordance with this principle:

Because the casting Vote appears to have been given to the presiding Officer solely as an expedient to obviate the inconvenience of non-election, arising from an equality of Votes; inasmuch as it was provided, that in the first Election of Councillors the Mayor should act with the joint powers of Mayor and Assessors, that Mayor being the Officer of the Corporate Body which it was deemed fit to abolish, and being without any manifest proof of the confidence of his fellow Burgesses under the new law:

Because it seems advisable rather to incur the risk of the possible effect apprehended by the Commons, that of giving the

preponderance to one of two equal parties—a risk inseparably attached to a casting Vote—than to make enactments at variance with those maturely considered and recently sanctioned by Parliament.

The Lords insist upon their Amendment in Press *6, line 17, to which the Commons disagree, for the following Reasons :

Because by the same Act the Election of the Mayor and Aldermen was confided to the Councillors, and the Amendment objected to by the Commons is likewise in accordance with this principle :

Because it appears expedient that occasional defects in the working of an Act should be supplied by provisions not going beyond the occasion which requires them, and not contravening the principles of the measure they are intended to amend.

The Lords insist upon Clause (L.) added by this House to the Bill, to which the Commons disagree, for the following Reasons :

Because the inconvenience which would arise from allowing the management of the Charitable Trusts to devolve upon the Lord Chancellor on the first of August next, appears to be greater than that which would result from prolonging the powers of the present Trustees, with the view of enabling Parliament to mature a measure for the future administration of such Trusts.

The Lords agree to the Amendments made by the Commons as far as Clause (Z.), added by this House to the Bill.

The Lords agree to the Amendment made by the Commons to the said Clause (Z.), with the following Amendments :

L. 12. Leave out from (affect) to (which) in line 13, and insert (any right or privilege) ; and in line 13, after (the), insert (Chancellor, Masters and Scholars of the said University or the said)

L. 15. After (lawfully) insert (have or enjoy or)

L. 16. After (enjoyed) insert (touching such grant of Licenses)

12/

Municipal Corporations Act Amendment
Bill.

AMENDMENTS MADE BY THE LORDS

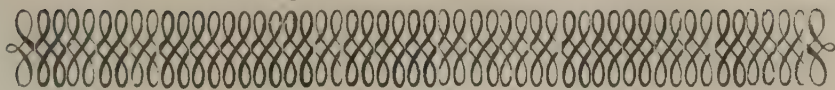
TO THE

AMENDMENTS made by The Commons to the
AMENDMENTS to the MUNICIPAL CORPORA-
TIONS ACT AMENDMENT BILL;—

With REASONS.

Ordered, by The House of Commons, to be Printed,
19 July 1836.

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A

B I L L

For the better Administration of Justice in certain Boroughs.

[Note.—The Words printed in *Italics* are proposed to be inserted in
the Committee.]

WH **HEREAS** by reason of certain defects in an Act passed Preamble.
in the last Session of Parliament, intituled, “An Act
to provide for the Regulation of Municipal Corporations in England
and Wales,” the administration of Civil and Criminal Justice is
injuriously hindered and delayed in certain Boroughs named in
the Schedules (A.) and (B.) to the said Act annexed; **BE** it therefore
Enacted, by The KING’s most Excellent MAJESTY, by and with
the Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the
Authority of the same, **THAT** the Justices of the Peace of any
County, Riding, parts or division of a County, shall have the same
powers of contracting with the Council of any Borough, Town or
City named in the said Schedules in which it shall have been made
to appear to the satisfaction of *One* of His Majesty’s Principal Secre-
taries of State that there is a gaol or house of correction fit for the
confinement of prisoners, for the conveyance to and support and
maintenance in such gaol or house of correction of prisoners com-
mitted thereto by any Justice or Justices of such County, Riding,
parts or division of a County, which the Council of any other
Borough have with respect to prisoners committed to such gaol or
house of correction from such last-mentioned Borough; and all the
provisions of an Act made in the fifth year of his late Majesty,
intituled, “An Act for amending an Act of the last Session of Par-

1.
County Jus-
tices may
contract with
Council of a
Borough in
which there
is a sufficient
Gaol for the
Committal
of County
Prisoners
thereto.

5 G. 4. c. 85.

liament

liament relating to the building, repairing and enlarging of certain Gaols and Houses of Correction; and for procuring information as to the state of all other Gaols and Houses of Correction in England and Wales," shall extend, or as nearly as may be, to all such contracts; and in case His Majesty shall have granted to the Borough, Town or City in which such gaol or house of correction shall be situated a separate Court of Quarter Sessions of the Peace, such offenders may be tried and sentenced by such Court for all offences of which the Court has cognizance, and punished accordingly; and all the provisions of the last-recited Act made in the fifth year of his late Majesty shall extend, as nearly as may be, to the trial and punishment of such offenders, and to all acts necessary for such trial or consequent thereon.

2.
Powers to try Prisoners at Borough Sessions, although committed for Trial under contract with the County Justices, to a County Prison more than Two Miles from the Borough.

AND whereas it is expedient to enlarge the powers given to the Councils of the Boroughs named in the said Act, in which a separate Court of Quarter Sessions of the Peace shall be holden, of contracting with the Justices of the Peace having authority or jurisdiction in and over any gaol or house of correction of the County, Riding or Division wherein such Borough is situated, or whereunto it is adjacent, for the conveyance, support and maintenance in such last-mentioned gaol or house of correction of prisoners committed thereto from such Borough; BE it Enacted, That it shall be lawful to try any such prisoner at the Borough Court of Quarter Sessions of the Peace, and for the proper officer of such Borough to direct the removal of such prisoner for trial, and to do all other acts necessary for such trial or consequent thereon, notwithstanding that the gaol or house of correction so receiving under contract a prisoner committed for trial may be situate more than Two Miles from the usual place of trial of such Borough.

3.
Sessions of the Peace rightly holden, although no Justices of the Quorum present.

AND whereas by the said Act it is provided, that every Court of Gaol Delivery or General or Quarter Sessions of the Peace in and for any of the said Boroughs for which such Court might be holden at the time of the passing of the said Act might be holden in like manner until the *First* day of *May One thousand eight hundred and Thirty-six*, as if that Act had not been passed; and doubts have been entertained whether such Court could therefore be holden otherwise than before the Mayor or Alderman, or other officer or officers, being Justices, who were theretofore specially required to be present at the holding of any such Court; BE it Enacted and Declared, That any such Court holden at any time since the passing of the said recited Act, before the Recorder or any Two persons who at the time of the passing of the said recited Act were entitled to act as Justices of the Peace for the said Borough, was well and lawfully holden.

AND

AND whereas it is by the said recited Act enacted, that no Recorder or person assigned to keep the peace within any such Borough, shall be capable of acting as Recorder or Justice of the Peace within such Borough, until he shall have taken the Oaths provided to be taken by Justices of the Peace, except the Oath as to qualification by estate; BE it Enacted, That all Oaths so required to be taken by any such Recorder or person assigned to keep the peace may be taken before the Mayor or any *Two* Aldermen or Councillors of the said Borough, without suing out or obtaining any special Dedimus or other commission or authority for administering such Oaths.

4. Oaths to be taken by Recorder, &c. before Mayor or Two Aldermen or Councillors.

AND whereas by the said Act it is provided that the Mayor of every Borough named in the said Schedules (A.) and (B.) shall continue in his office for *One* whole Year; BE it Enacted, That the Mayor of every such Borough shall continue in office for *One* whole Year, and until his successor shall have accepted the office of Mayor, and shall have made and subscribed the declaration required in that behalf.

5. Mayor to hold over until acceptance of Office by his Successor.

And be it Enacted, That so much of the said Act as provides for the appointment of any Sheriff on the *First* day of *November* in this or any following year, is hereby repealed; and that every such appointment of Sheriff shall be on the *Ninth* day of *November*, at the quarterly meeting of the Council, and immediately after the election of Mayor, and in all other respects according to the provisions of the said Act; and every Sheriff appointed under the provisions of the said Act or of this Act shall hold his office until the appointment of his successor.

6. Sheriff to be elected on Ninth November instead of First November.

And be it Enacted, That in case of illness or unavoidable absence, the Coroner for the time being of any Borough, Town or City named in the said Act shall be empowered, and he is hereby required, by writing under his hand and seal, to appoint a fit person, being a Barrister-at-Law or an Attorney of one of His Majesty's Courts at Westminster, and not being an Alderman or Councillor of such Borough, Town or City, to act for him as Deputy Coroner during the illness or unavoidable absence of such Coroner, but no longer or otherwise: Provided always, That the Mayor or *Two* Justices of such Borough, Town or City, shall on each occasion certify under their hands and seals the necessity for the appointment of such Deputy Coroner; and such certificate shall state the cause of absence of the Coroner, and shall be openly read to every Inquest Jury summoned by such Deputy Coroner; and the particulars of every Inquest holden before any Deputy Coroner shall be included in the return to be made by the Coroner to the Secretary of State, as provided by the said Act.

7. Coroner may appoint a Deputy in case of illness or unavoidable absence.

8.

Extension of
Jurisdiction
of Courts of
Requests.

And be it Enacted, That in every case in which before the passing of the said Act a Court of Requests or of Conscience for the recovery of Small Debts was established in any Borough, Town, City, or County of a Town or City, the boundary whereof shall have been enlarged by the said Act, the jurisdiction of such Court shall be extended to such enlarged Boundary: Provided nevertheless, That nothing herein contained shall extend to give such Court cognizance of any Suit which before the passing of this Act could not be brought therein, and could be brought in some other Court of Conscience or Requests.

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9.

Powers of
Local Acts
heretofore ex-
ercised by
Justices in
Quarter Ses-
sions, and not
within the
Powers of the
Recorder
vested in the
Council.

And be it Enacted, That every thing provided under any Local Act of Parliament to be done exclusively by any particular or limited number, class or description of the members of any Body Corporate named in the Schedules (A.) and (B.) annexed to the said Act for regulating Corporations, the continuance of which is not inconsistent with the provisions of the said Act, and also every thing provided in any such Local Acts to be done by the Justices, or by some particular class or description of members of such Body Corporate, being Justices, at some Court of General or Quarter Sessions assembled, and which does not relate to the business of a Court of Criminal or Civil Judicature, shall and may be done by the Council at some quarterly meeting of the Council, or by some Committee of the Council, or any *Three* or more of such Committee to be appointed at a quarterly meeting of the Council: Provided also, That every thing herein authorized to be done at a quarterly meeting of the Council may be done at a meeting of the Council to be specially summoned for that purpose as soon as may be after the passing of this Act: Provided also, That no Recorder by virtue of his office shall have power to allow, apportion, make or levy, or do any act whatsoever with relation to the allowance, apportionment, making or levying of any Rate whatsoever.

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10.

Provision for
holding
Courts of
Record.

AND whereas doubts have arisen as to the provisions of the said Act for regulating Corporations, respecting Judges in Borough Courts of Record for the trial of civil actions, not regulated by the provisions of any local Act of Parliament, or in which, at the time of passing the said Act, a Barrister of Five Years' standing did not act as Judge or Assessor; BE it therefore Enacted and Declared, That from and after the *passing of this Act*, the Recorder, and in the absence of the Recorder such person being a Barrister of not less than *Five Years'* standing, shall be appointed by the Recorder under his hand and seal to hold the said court, shall be the Judge of such court, and shall hold the said court at such times as the said Recorder in his discretion may think fit, or as His Majesty shall think fit to direct; and every Recorder or person so appointed to hold such

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such

such Court shall be entitled to have such salary paid to him out of the Borough Fund as the Council shall fix by some bye-law to be made in that behalf: Provided also, That all Rules hereafter to be made for regulating the practice of such Courts shall be approved
 5 and signed by the Recorder of such Borough, if there shall be a Recorder, before the same shall be submitted to the Judges of the Superior Courts for allowance and confirmation by them, according to the provisions of said recited Act.

And be it Enacted, That so much of the said Act as provides
 10 that the Courts of Quarter Sessions of the Peace of the Towns and Ports of Hastings, Sandwich, Dover and Hythe, and of the ancient Town of Rye, or of such of the said Towns and Ports and ancient Town to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace, shall have jurisdiction over offences and
 15 matters committed, arising and happening within the Towns named in the Schedule to the said Act which are ancient Corporate Members and Liberties of the said Towns and Ports and ancient Town respectively, and to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace, and also provides
 20 that any or either of the said Towns and Ports of Hastings, Sandwich, Dover and Hythe, and ancient Town of Rye, to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace, and their or its Members and Liberties, shall, for all purposes relating to the jurisdiction of Courts of Quarter Ses-
 25 sions of the Peace, be respectively within the jurisdiction of the Courts of Quarter Sessions of the Peace of the nearest other of the said Towns and Ports or ancient Town to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace, is hereby repealed; and it is hereby Enacted, That, until other provision shall
 30 be made by Parliament in that behalf, Courts of General Sessions of the Peace and Gaol Delivery shall and may be holden in and for the said Towns and Ports of Hastings, Sandwich, Dover, and Hythe and ancient Town of Rye, or such of the said Towns and Ports and ancient Town to which His Majesty shall not grant a separate Court
 35 of Quarter Sessions of the Peace, and for the ancient Members and Liberties thereof, not being corporate, and also in and for the Towns of Deal, Faversham, Folkestone and Tenterden, or such of the said Towns to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace, before the person who at the time of
 40 the passing of the said Act was or acted as Recorder or Steward or Assessor, or by whatsoever other name he was called, of the said Towns and Ports, ancient Town and Towns respectively, or in case of his death or resignation or absence, or in case there was no such Recorder or Steward or Assessor, then before any Barrister-at-Law, of not less than *Five Years*' standing, whom His Majesty shall appoint

11.
 Repeal of
 Part of
 5 & 6 W. 4.
 c. 76. as to
 Courts of
 Quarter
 Sessions for
 the Cinque
 Ports, and
 new Provision
 made.

to hold the same, in the same manner in other respects, and with the same powers and authorities, as before the passing of the said Act, except as regards the trial of capital felonies; and so long as such Courts of General Sessions of the Peace and Gaol Delivery shall be holden, the offices of Clerk of the Peace and Coroner shall be holden and exercised by the same persons, or by the same officers of such of the said Towns and Ports, ancient Town and Towns respectively, to which His Majesty shall not grant a separate Court of Quarter Sessions, by whom or by which the same were holden at the time of the passing of the said Act, or in case of their death or resignation, or there being no longer such officers, then by such persons as the Councils of such Towns and Ports, ancient Town and Towns respectively, shall appoint to hold the same, with the same powers and authorities as before the passing of the said Act; and the non-corporate Members and Liberties of the said Towns and Ports of Hastings, Sandwich, Dover and Hythe, and the said ancient Town of Rye, shall and may be chargeable and charged by the Courts of General or Quarter Sessions of the Peace holden for the same respectively, with a due proportion of the expenses of such Towns and Ports and ancient Town respectively, and the non-corporate Members and Liberties thereof, to the payment of which expenses Rates in the nature of County Rates are applicable, and the same shall and may be assessed and levied in the manner in which Rates of that description were assessed and levied before the passing of the said Act; and a due proportion of inhabitant householders to serve as Grand Jurors and Jurors at the Courts of General or Quarter Sessions of the Peace of the said Towns and Ports of Hastings, Sandwich, Dover and Hythe, and of the said ancient Town of Rye, shall be summoned by the Clerks of the Peace of the said Towns and Ports and ancient Town from the non-corporate Members and Liberties thereof respectively; and the attendance of such Jurors shall be enforced and their defaults punished in the manner by the said Act directed with respect to Jurors in Boroughs.

12.
Justices
acting under
Commissions
granted by
virtue of
51 G. 3. c. 36.
may exercise
all the Powers
of Justices in
Counties re-
lating to the
granting of
Licenses to
Victuallers.

And be it Enacted, That His Majesty's Justices of the Peace acting under the authority of a Commission or Commissions issued by virtue of an Act passed in the fifty-first year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act to facilitate the Execution of Justice within the Cinque Ports," shall and may have and exercise all the jurisdiction, powers and authorities belonging to Justices of the Peace in Counties, relating to the granting of Licenses or authorities to persons to keep Inns, Alehouses or Victualling Houses, or to sell exciseable Liquors by retail, within any of the said Towns and Ports of Hastings, Sandwich, Dover and Hythe, and of the ancient Town of Rye respectively, which shall not have Justices

Justices of the Peace assigned to them by virtue of the said Act passed in the last Session of Parliament, and the non-corporate Members and Liberties thereof, and also within any of the said Towns of Deal, Faversham, Folkestone and Tenterden respectively,
 5 which shall not have Justices of the Peace assigned to them by virtue of the same Act.

- AND whereas doubts have been entertained whether, under the provisions of the said recited Act, it may be lawful for His Majesty from time to time to constitute and appoint the Vice
 10 Chancellor of the University of Cambridge for the time being a Justice of the Peace in and for the Town and Borough of Cambridge; BE it therefore Enacted, That it shall be lawful for His Majesty, his Heirs and successors, from time to time, if His Majesty shall so think fit, in and by His Commission of the Peace
 15 for the said Town and Borough, to constitute and appoint the Vice Chancellor of the University for the time being a Justice of the Peace for the said Town and Borough, any thing in the said recited Act or in this Act to the contrary notwithstanding: Pro-
 20 vided always, That no Vice Chancellor of the said University, by reason of his being named in any Commission of the Peace for the said Town and Borough, shall thereby have, as touching the grant of Licenses to Alehouses, any greater authority as Justice of the Peace than any other Justice of the Peace named in any such Commission; but that nothing in this Act shall be
 25 construed to alter or in any way to affect the rights and privileges which the Vice Chancellor, by virtue of his office, now lawfully has or enjoys, or might have lawfully had and enjoyed, if the Vice Chancellor had not been appointed under the provisions of this Act a Justice of the Peace for the said Town and Borough.

13.
 His Majesty may appoint the Vice Chancellor of Cambridge University to be a Justice of the Bo-rough.

Proviso as to Vice Chancellor's Power of licensing Alehouses.

Municipal Jurisprudence.

A

B I L L

For the better Administration of Justice in
certain Boroughs.

(Prepared and brought in by
Mr. Attorney General.)

*Ordered, by The House of Commons, to be Printed,
13 August 1836.*

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A

B I L L

For the better Administration of the Borough Fund in certain Boroughs.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH **E**R **E**A **S** by an Act passed in the last Session of Par-
liament, intituled, “An Act to provide for the Regulation
of Municipal Corporations in England and Wales,” provision
was made for the payment of the rents and profits of the real
and personal estate of the Mayor, Aldermen and Burgesses of
certain Boroughs named in the Schedules (A.) and (B.) to the said
Act annexed, and also for the payment of certain penalties to a fund,
to be called in each case “The Borough Fund” of that Borough: And
whereas certain difficulties have occurred in putting the said Act
into execution, and certain penalties have been imposed which
ought not to be imposed for the benefit of the said Borough Fund;
BE **i**t **t**h **e**r **e**f **o**r **e** **e**n **a**c **t**e **d**, by The KING’s most Excellent MAJESTY,
by and with the Advice and Consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and by
the Authority of the same, **T**H **A**T from and after the *passing of*
this Act it shall be lawful for the Council of any Borough named
in the said Schedules to execute from time to time any deed or obliga-
tion in the name of the body corporate whose council they are, for
securing repayment and satisfaction of any debt or obligation con-
tracted by or on behalf of the said body corporate before the passing
of the said Act for regulating Corporations.

Preamble.

I.

New Securi-
ties may be
given for old
Debts.

2.

Council may
Mortgage
Lands with
approbation of
Treasury.

And be it Enacted, That the power of disposition given to the
Council of any body corporate in the instances of demises for
seventy-five years, authorized by the said Act, shall extend to the

demise

demise or lease thereof, either at a reserved rent or a fine, or both, as the Council shall think fit, and the power of disposition allowed by the said Act over the lands, tenements and hereditaments of such body corporate, to be exercised with the approbation of the Lords Commissioners of His Majesty's Treasury, or any *Three* of them, shall extend to the disposition of such lands, tenements and hereditaments, with such approbation as aforesaid, whether by way of absolute sale or by way of exchange, mortgage or charge, demise or lease, and to every other disposition of the same whatsoever which shall be so approved of as aforesaid. 5

3.
Treasurer
may apply
Proceeds of
Sales as herein
mentioned.

And be it Enacted, That nothing in the said Act contained shall be construed to restrain the Treasurer of any Borough, under the direction of the Council, from applying the proceeds of the sale of any advowson, or right of nomination or presentation to any benefice or ecclesiastical preferment, directed by the said Act, which shall have been paid to him, or any part thereof, towards the liquidation of any debt contracted before the passing of the said Act by the body corporate named in the said Schedules in conjunction with such borough. 10 15

4.
Who to act as
Justices of the
Peace in
making
County Rate.

AND whereas by the said Act it is provided, that no person assigned to keep the peace within any borough, town or city under the provisions of the said Act shall by virtue of such assignment act as a Justice of the Peace in making or levying any County Rate, or Rate in the nature of a County Rate; BE it Enacted, That, notwithstanding any thing in the said Act contained, it shall be lawful for any such person to act as a Justice of Peace in levying any County Rate, or Rate in the nature of a County Rate, which shall have been legally made previously to the *First* day of *May* *One thousand eight hundred and Thirty-six*. 20 25

5.
Mayor may
issue his Warrant for levying
Borough
Rate, &c.

And be it Enacted, That in any case in which, for the purpose of levying any County Rate, a warrant might be lawfully issued by one or more Justices of the Peace, a warrant may be lawfully issued in the like case by the Mayor of any borough named in the said Schedules, under his hand and the corporate seal of the said borough, whether the matter of such warrant relates to the Borough Rate or to the Watch Rate; and that in every case in which in a matter relating to the County Rate a warrant is required to be directed to or issued by a high constable, such warrant may in a like matter relating to the Borough Rate or Watch Rate be directed to or issued by the high constable of the borough, or any borough officer of the like description, or by any person or persons who may have been or may hereafter be appointed by the council of the borough for the purpose of collecting the said Borough Rate or Watch Rate, or either of them. 30 35 40

And

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And be it Enacted, That no burgess of any borough named in the said Schedules shall be deemed an incompetent witness in any suit or proceeding at law or in equity by reason of his being a member of such Body Corporate, or interested in the borough fund of any borough.

6.
Burgesses
competent
Witnesses.

5 And be it Enacted, That, notwithstanding any thing in the said Act contained, no Person enrolled on the Burgess Roll for the time being of any Borough named in the Schedules to the said Act, and who shall act as Mayor, Alderman or Councillor, Auditor or Assessor of such Borough, shall be liable to any penalty for so acting
10 on the ground that he was not entitled to be on the Burgess List of such Borough.

7.
Mayor, &c. if
enrolled on
Burgess Roll,
not liable to
Penalty for
so acting.

AND whereas no provision is made in the said Act for resigning any Corporate Office on payment of a Fine or otherwise; BE it Enacted, That every Person elected into any corporate office in any
15 of the said Boroughs may at any time resign such office on payment of the fine which he would have been liable to pay for non-acceptance of the same office; provided, that no person enabled by law to make an affirmation, instead of taking an oath, shall be liable to any fine for non-acceptance of office in any Borough by reason of
20 his refusal on conscientious grounds to take any oath or make any declaration required by the said Act, or to take upon himself the duties of such office.

8.
Corporate
Offices may
be resigned
on payment
of the Fine
for Non-acceptance.

And be it Enacted, That nothing contained in the said Act for regulating Corporations shall be construed to alter or affect the
25 right of any person claiming discharge or exemption from Tolls levied in whole or in part by or to the use of any Body Corporate by virtue of any title to such discharge or exemption other than as an Inhabitant of any Borough, or as a Citizen, Freeman or Burgess, or as a member by any name whatsoever of any Body Corporate
30 named in the said Schedules, or as the widow or kindred of any such Inhabitant, Citizen, Freeman, Burgess or member of such Body Corporate.

9.
Reservation
of exemption
from Tolls
enjoyed by
Persons in
virtue of
other than
Corporate
Rights.

And be it Enacted, That the Council of each Borough, Town or City named in the said Schedules, or in which a Body Corporate of Mayor, Aldermen and Burgesses may be created under the provisions
35 of the said Act, shall, before the *First* day of *March* in each Year, transmit to one of His Majesty's Principal Secretaries of State a statement of all monies received and expended on account of the Mayor, Aldermen and Burgesses of that Borough, Town or City within the year preceding, which statement shall be prepared in such form and manner as the Secretary of State shall direct, and such Accounts shall refer to the year ended upon the *First* of

10.
Accounts of
Corporations
to be trans-
mitted to
Secretary of
State, and
Abstracts laid
before Parlia-
ment.

January of the year in which such account is hereby required to be so transmitted ; and an Abstract of such statements and accounts under general heads shall be laid before both Houses of Parliament during their sitting in the same year in which they are hereby required to be transmitted as aforesaid.

Municipal Funds.

A

B I L L

For the better Administration of the Borough
Fund in certain Boroughs.

(Prepared and brought in by
Mr. Attorney General)

Ordered, by The House of Commons, to be Printed
13 August 1836.



A

B I L L

To make temporary Provision for the Boundaries of certain Boroughs.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH **H**EREBY by the provisions of an Act passed in the last Session of Parliament, intituled, “An Act to provide for the Regulation of Municipal Corporations in England and Wales,” the Boundaries of certain Boroughs named in the Schedules (A.) and (B.) to the said Act annexed were made to include all the Liberties of such Boroughs and large tracts of Land beyond the limits of the Towns, and which ought not to be included therein; **B**E it therefore **E**nacted, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT so much of the said Act for regulating Corporations as provides that the metes and bounds of every Borough and County named in the said Act shall include the whole of the Liberties of such Borough and County by land and by water is hereby Repealed; and that notwithstanding any thing in the said Act contained, no part of any County, or of the Liberties of any Borough, Town or City named in the first sections of the Schedules (A.) and (B.) annexed to the said Act for regulating Corporations, which before the passing of the said Act was not part of such Borough, Town or City, or within the Parliamentary Boundary of such Borough, Town or City, shall be taken to be within the metes and bounds of any such Borough, Town or City, or within the County of such Borough, Town or City, or to be within the jurisdiction of the Justices of such Borough, Town or City, or County of a Borough, Town or City; and that no part of any

Preamble.

1.
New Provi-
sion as to
Boundaries of
Boroughs, &c.

County,

2 & 3 W. 4.
c. 64.

County, or of the Liberties of any Borough, Town or City, named in the second section of the said Schedules (A.) and (B.), which was not part of such Borough, Town or City before the passing of an Act passed in the second and third year of His Majesty, intituled, "An Act to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs in England and Wales, in so far as respects the Election of Members to serve in Parliament," shall be taken to be within the metes and bounds of any such Borough, Town or City, or within the County of such Borough, Town or City, or to be within the jurisdiction of the Justices of such Borough, Town or City, or County of a Borough, Town or City, but every such part, until Parliament shall otherwise direct, shall be taken to be within and to be subject to the same jurisdiction as the County, Riding, parts or divisions of a County, other than a County of a Borough, Town or City wherein such part is situated, or with which it has the longest common Boundary: Provided also, That all the provisions of the said Act for regulating Corporations concerning the liability of the Rate-payers of any place or precinct which under the provisions of this Act shall not be included within any such Borough, Town or City, or County of a Borough, Town or City, to any debt to which the Rate-payers of such Borough, Town or City, or County of a Borough, Town or City, were liable to contribute before the passing of the said Act for regulating Corporations, shall be applicable to such place or precinct as if the same had not been included within the metes and bounds of such Borough, Town or City under the provisions of the said Act for regulating Corporations: Provided also, That no election of any Mayor, Alderman, Councillor, Auditor or Assessor heretofore made, or any other proceeding whatsoever, in any such Borough, Town or City, since the *Twenty-fifth* day of *December* last, shall be liable to be questioned after the *passing of this Act* by reason that any such part of any County, or Liberties of any Borough, Town or City, may or may not have been taken to be part of such Borough, Town or City under the provisions of the said Act.

2.
Boundaries of
the Borough
of Sunder-
land.

Provided always, and be it Enacted, That, notwithstanding any thing in this Act contained, the Borough of Sunderland, for the purposes of the said Act, and until Parliament shall otherwise direct, shall consist of the parish of Sunderland, the townships of Monkwearmouth and Monkwearmouth Shore, and so much of the Townships of Bishop Wearmouth and Bishop Wearmouth Panns, as is included within a Circle of *One* Mile from the centre of Wearmouth Bridge.

3.
Division into
Wards and
Assignment of
Councillors
not to be
affected un-

And be it Enacted, That the division of every Borough, Town and City into Wards by the Barrister or Barristers appointed in pursuance of the provisions of the said Act for regulating Corporations shall not be annulled or vitiated by the exclusion of any Ward

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Ward or Wards, or any part of any of the said Wards which shall be excluded from such Borough, Town or City by this Act, but the said division shall remain in all other respects in force until Parliament shall otherwise direct, as if the Ward or Wards, or part of a Ward
5 or Wards, so excluded from the Borough, Town or City had not been at any time included therein : Provided nevertheless, That if any Borough, Town or City shall have been so divided into Wards that the whole of any *One* or more Wards shall consist wholly of a District excluded from such Borough, Town or City by this Act, the Barrister or
10 Barristers who originally divided the Borough, Town or City into Wards shall, as soon as conveniently may be after the *passing of this Act*, assign the Councillors who were chosen in such Ward or Wards to the remaining Wards of the Borough, Town or City, or such of them as he or they shall select, upon the same principles, or
15 as nearly as may be, in his or their judgment, as were provided by the said Act for the guidance of the Barristers in their assignment of Councillors to each Ward, and thenceforth, and until Parliament shall otherwise direct, the number of Councillors in each of the remaining Wards shall be the number originally assigned to such
20 Ward by the Barrister or Barristers, with the addition of the number so assigned to it by the Barrister or Barristers under this Act, and the Councillors so assigned under this Act to each Ward shall thenceforth be deemed to have been elected in the Ward to which they shall have been respectively so assigned, and shall go out of office, and vacancies among them shall be filled at the same time and in the same
25 manner as if the Burgesses of the Ward by whom they were originally elected had been Burgesses of the Ward to which they shall have been so assigned.

less a whole Ward be excluded.

New Assignment of Councillors in such case to be made by the Council until Parliament shall otherwise direct.

And be it Enacted, That nothing contained in the said Act for
30 regulating Corporations shall be construed to affect any Local Act heretofore passed for the relief and management of the Poor, or to alter the district comprised within the provisions of any such Local Act.

4.
Local Acts for the relief of the Poor not to be affected.

And be it Enacted, That nothing contained in the said Act for
35 regulating Corporations shall be construed to affect or alter the assessments of the Land Tax or Assessed Taxes, or to extend or diminish the jurisdiction of any Commissioners of Land and Assessed Taxes ; but that all Manors, Lands, Tenements and Hereditaments, and all Parishes and parts of Parishes, and Places, shall continue to be charged
40 as heretofore towards the Land Tax charged upon the County or other District of which they were a part before the passing of the said recited Act, and to be subject in that behalf to the jurisdiction of the Commissioners of the same County or other District as they would have been if the said recited Act had not been passed.

5.
Land and Assessed Taxes to be collected as heretofore.

6.
Berwick-
upon-Tweed
declared a
County to all
intents but for
Parliamen-
tary Elec-
tions.
3 & 4 W. 4.
c, 74.

And be it Declared and Enacted, That the Borough and Town of Berwick-upon-Tweed, within the limits assigned to it by the said Act, or hereafter to be assigned to it by Authority of Parliament, shall be a County of itself to all intents and purposes, except only so far as relates to the return of a Member or Members to serve in Parliament; 5 and that the provisions of the Act passed in the third and fourth year of His Majesty, intituled, "An Act for the Abolition of Fines and Recoveries, and for the substitution of more simple Modes of Assurance," and the modes of assurance therein provided, shall extend and apply to lands locally situated in the said Borough, Town and County, any law, statute, custom or usage to the contrary notwithstanding.

Municipal Boundaries.

A

B I L L

To make temporary Provision for the Boundaries
of certain Boroughs.

(Prepared and brought in by
Mr. Attorney General.)

Ordered, by The House of Commons, to be Printed,
13 August 1836.



A

B I L L

To provide for certain cases in which Elections have not been duly made according to the Provisions of the Act to provide for the Regulation of Municipal Corporations in England and Wales.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS an Act was passed in the last Session of Parliament, intituled, “ An Act to provide for the Regulation of Municipal Corporations in England and Wales,” providing among other things for the Election of certain Officers, in manner and form therein declared; BUT such Elections have not in all cases been duly made according to the provisions of the said Act;

Preamble :
5 & 6 W. 4.
c. 76.

FOR Remedy thereof,

BE it Enacted, by The KING’s most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT no Election of any person into any Corporate Office shall be liable to be questioned, after the *passing of this Act*, by reason of any defect in the title or want of title of the person before whom such Election may have been held, provided that the person before whom such Election shall have been held shall have been then in the actual possession of or acting in the office giving the right to preside at such Election; and all Elections into any corporate office, made in any Borough named in the Schedules (A.) and (B.) annexed to the said Act for regulating Corporations, since the Twenty-fifth day of December last, and all acts duly done in right of their office since the said Twenty-fifth day of

1.
Elections not to be set aside, because of defects in Title of presiding Officer.

December, by the persons chosen at such election, and all acts duly done by any person with reference to any such Election, shall be good to all intents and purposes, notwithstanding that the person or persons before whom or by whose authority any such Election, may have been held, or by whom any summons shall have been issued, or other act done for holding or with reference to any such Election, may not have been the person or persons legally entitled to preside at such Election, or issue such summons, or do such act as aforesaid, and notwithstanding that there may have been no such Body Corporate as is named in the said Act in conjunction with the name of the Borough in which such Election may have been held: Provided nevertheless, That nothing hereinbefore contained shall prevent any such Election or act done by any person from being questioned and set aside by reason of any fraud or of any irregularity or defect other than is hereinbefore specified.

2.

Elections not to be set aside, because held on the wrong day.

And be it Enacted, That no Election made under the provisions of the said Act for regulating Corporations since the said Twenty-fifth day of December, shall be liable to be questioned, after the *passing of this Act*, by reason of the Election having been held on a day other than that provided in the said Act for such Election respectively; and every such Election shall be as good, and all acts duly done in right of their office since the said Twenty-fifth day of December by the persons so elected, shall be as good to all intents and purposes as if such Election had been in like manner on the day provided by the said Act: Provided nevertheless, That nothing hereinbefore contained shall prevent any such Election or act done by any person from being questioned and set aside by reason of any fraud or of any irregularity or defect other than is hereinbefore specified.

3.

Ministerial acts good, though the whole number of Councillors not elected.

And be it Enacted, That all ministerial acts duly done since the said Twenty-fifth day of December, at any meeting of the Council of any Borough named in the said Act, by a majority of the Members of the Council present at such meeting, the whole number present not being less than *One-third* part of the number of the whole Council, shall be good, notwithstanding that the whole or due number of Aldermen or of Councillors may not have been then elected.

4.

5 & 6 W. 4, c. 76. s. 43, in part repealed. Two Revising Assessors to be chosen as the Burgesses' Two Auditors are.

AND whereas by the said Act it is provided, that in every case in which there shall be a division into Wards of any Borough, the Assessors who shall hold the Court for revising the Burgess Lists with the Mayor, shall be the Assessors of the Mayor's Ward; and it may be, in case the Mayor shall be chosen from among the Aldermen, that there is no Mayor's Ward in such Borough; BE it Enacted, That so much of the said Act as provides that the Assessors who shall hold the Court for revising the Burgess Lists with the Mayor shall be the Assessors of the

the Mayor's Ward, is hereby repealed ; and in every Borough divided in Wards, *Two* Assessors shall be chosen on the *Twenty-first* day after the *passing of this Act*, and in every subsequent year on the *First* day of *March*, to hold the Court for revising the Burgess Lists with the
 5 Mayor, in like manner as is provided in the said Act concerning the election of two Auditors of such Borough.

And be it Enacted, That in every Borough named in the said Act in which by reason of a Mayor and Assessors not having been duly elected, the Burgess Lists cannot be revised in this year according to
 10 the provisions of the said Act, the Burgess Roll in force at the time of the *passing of this Act* shall be and continue in force at any election which may take place in such Borough before the *First* day of *November* in the year *One thousand eight hundred and Thirty-seven*, and the Councillors shall appoint one of themselves to preside at every such
 15 Election by the Burgesses.

5.
 Burgess Roll
 to continue in
 force in cer-
 tain Boroughs.

And be it Enacted, That every proceeding commenced before the *last* day of *Easter* Term in this year, and still pending in the Court of King's Bench, against any person holding any corporate office in any of the said Boroughs on grounds which it is herein declared shall not
 20 affect the validity of the Election into such Office, shall be discontinued immediately upon the *passing of this Act*, on such terms as to costs or otherwise as the Court of King's Bench shall direct ; and the Prosecutor shall be entitled to receive from the Defendant in every such case such Costs as the Court of King's Bench, or some Judge of the same Court, shall think just and reasonable.

6.
 Proceedings
 of Quo War-
 ranto to be
 discontinued.

Costs may be
 given by the
 Court of
 King's Bench

Municipal Elections.

A

B I L L

To provide for certain cases in which Elections have not been duly made according to the Provisions of the Act to provide for the Regulation of Municipal Corporations in England and Wales.

(Prepared and brought in by
Mr. Attorney General and Mr. Solicitor General.)

*Ordered, by The House of Commons, to be Printed,
9 August 1836.*



A

B I L L

To provide for the better Regulation of Municipal Corporations in Scotland.

[Note.—The Words and Figures printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS an Act was passed in the third year of the reign of his Majesty King GEORGE the Fourth, intituled, “ An Act for regulating the mode of accounting for the common Good and Revenues of the Royal Burghs of Scotland :” Preamble :
3 Geo. 4. c. 91.

5 And whereas another Act was passed in the second and third year of the reign of His present Majesty King WILLIAM the Fourth, intituled, “ An Act to amend the Representation of the People in Scotland :” 2 & 3 Will. 4.
c. 65.

10 And whereas another Act was passed in the third and fourth year of the reign of His said present Majesty, intituled, “ An Act to alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in Scotland :” 3 & 4 Will. 4.
c. 76.

15 And whereas another Act was passed in the said third and fourth year of the reign of His said present Majesty, intituled, “ An Act to provide for the Election of Magistrates and Councillors for the several Burghs and Towns of Scotland which now return or contribute to return Members to Parliament, and are not Royal Burghs :” 3 & 4 Will. 4.
c. 77.

20 And whereas it is expedient to provide a remedy for the confliction of jurisdiction and inequality of burdens arising in sundry Burghs from the alteration of their Boundaries by the said recited Act of the second and third year of the reign of His present Majesty ; and to alter and extend the powers now vested in Municipal Corporations in Scotland,

and to provide for the better regulation and management thereof;
BE it therefore Enacted, by The KING's most Excellent MAJESTY,
 by and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled; and
 by the Authority of the same, **THAT** so much of the said first recited 5
 Act of the third and fourth year of the reign of His said present
 Majesty as provides that nothing in the said Act contained should
 affect or apply to the Burghs contained in the Schedule (F.) to the
 said Act annexed, but that the Election of Councillors and Magis- 10
 trates in such Burghs should be conducted as practised before the said
 last-mentioned Act was passed, shall be and the same is hereby
 repealed; and the Election of Councillors and Magistrates in the said
 Burghs shall hereafter proceed and be conducted in the same manner
 as by the said Act, in relation to the other Burghs therein mentioned,
 and by this Act, is prescribed and directed. 15

1.
 Repeal of so
 much of first
 recited Act of
 3 & 4 Will. 4.
 as excludes
 certain
 Burghs from
 the operation
 thereof.

And be it Enacted, That from and after the day of
 the Limits and Boundaries of each of the Burghs
 contained in the Schedules (A.) and (C.) hereunto annexed, shall be and
 be deemed and taken to be the same as the Limits and Boundaries 20
 thereof respectively settled and described in the said recited Act of
 the second and third year of the reign of His present Majesty, and the
 Schedule (M.) thereunto annexed, any Charter, Law or usage to the
 contrary in anywise notwithstanding; and all the rights, powers,
 privileges, exemptions, immunities, authorities and jurisdiction existing 25
 in each of the said Burghs respectively, shall extend equally over
 all and every part of the Limits of such Burgh; and the Magis-
 trates and Councillors of every such Burgh shall, until the same shall
 be otherwise regulated by Parliament, possess the same rights and
 powers and jurisdiction over the whole territory of the Burgh as so 30
 limited and bounded, and over the Inhabitants thereof, as they hereto-
 fore possessed within the Royalty or Limits of such Burgh, or may
 hereafter possess; but the rights, powers, authorities and jurisdiction
 hereby conferred, shall in no case be exclusive of the existing
 authority and jurisdiction of any other Court, or of the Sheriff or 35
 Justices of the Peace of the County, over the Territory within the
 Boundaries of such Burghs or Towns respectively.

2.
 Boundaries of
 Burghs to be
 the Parlia-
 mentary
 Boundaries
 described in
 2 & 3 Will. 4.
 c. 65.

And be it Enacted, That the part of the Royalty or extended Royalty
 of any Burgh which may under the provisions of this Act be separated
 from such Burgh, shall thenceforward be and be taken to be a portion
 of the County wherein such part is locally situated, or with which such 40
 part has the longest common Boundary; and the portion so added to
 such County shall thereupon become subject to the Jurisdiction of the
 Sheriff and Justices of the Peace of such County.

3.
 Parts of
 Burghs dis-
 joined an-
 nexed to
 Counties.

Provided

430

5 Provided always, and be it Enacted, That nothing herein contained shall alter or be construed to alter the Feu or Burgage holdings or tenure of any Lands or Heritages so added or disjoined to or from any Burgh or County, but such holdings or tenure and the records of the same shall remain in all cases as heretofore.

4. Saving Tenures.

10 And be it Enacted, That Old Aberdeen shall be united with New Aberdeen; and Newton of Ayr shall be united with Ayr; and Maxwellton shall be united with Dumfries; and Fullarton shall be united with Irvine; and the Towns, Suburbs or Places so to be united with
15 such Burghs, shall be under the Magistrates and Councillors thereof, who shall possess equal right, power and jurisdiction, over the whole of the United Burgh and the Inhabitants thereof; and such Towns, Suburbs and Places shall have, enjoy and be subject to the same rights, powers, privileges, exemptions, immunities, authorities and jurisdiction in all respects, with the Burgh to which they are united, subject nevertheless to any regulations to be hereafter made by Parliament.

5. Certain Burghs and Places united.

20 And be it Enacted, That all rights of property or commonry or servitude enjoyed by the Burgesses, Proprietors or Tenants within any Burgh, Town or Place hereby united to any other Burgh, shall be preserved entire as if no such union had taken place; and any of the Bailies of the united Burgh shall be entitled to give sasine in all parts of such united Burgh as Bailies in that part; and the Registers of Sasines, Reversions, &c. of the several Burghs shall remain and be kept separate as heretofore, under the charge of the several Keepers
25 thereof respectively.

6. Rights of Commonry and Servitude preserved.

30 And be it Enacted, That after the addition or union of any Territory to or with any Burgh, or any County respectively, the Territory added or united to such Burgh or such County shall thenceforth be subject and liable to the taxes, rates, duties, customs or imposts legally exigible, or which shall become legally exigible in or from such Burgh or County respectively; but such Territory added or united to any Burgh shall not be liable for any debts or arrears of taxes, rates, duties, customs or imposts due by such Burgh; and such Territory added to any County shall not be liable for any debts or arrears of taxes, rates, duties, customs
35 or imposts due by such County; but such Territories so to be added or united to such Burgh or County respectively shall remain liable for their proportion of any arrears, debts or obligations to which the same was liable in respect of the County or Burgh from which it was separated, before its separation from such Burgh or County respectively.

7. Liabilities of Territories added.

40 Provided always, and be it Enacted, That if any difference shall arise respecting the liability of the Territories added or united to any Burgh or County respectively for or in respect of any taxes, rates, duties, customs or imposts, or any arrears thereof, or any debt or obligation, the same shall be referred to the decision of the Sheriff

8. Dispute as to Liabilities, how to be settled.

of the County, who, upon notice of *seven* days from the party appealing to the party appealed against, shall proceed to decide the same in a summary manner; and the decision of the Sheriff shall be final, unless complained of within *three* months from the date thereof, by Petition to either Division of the Court of Session, whose judgment shall be final, and not subject to review. 5

9.
Number and
Description of
Magistrates
and Council-
lors.

And be it Enacted, That at the first Elections of Councillors and Magistrates to take place in terms of this Act, the number of persons to be elected as Councillors, and the proportion of such Councillors to be elected Magistrates respectively for each of the several Burghs contained in the Schedules (A.), (B.), (C.) and (D.), shall be the numbers mentioned in conjunction with the names of such Burghs respectively in the said Schedules. 10

10.
Number and
description
of Magistrates
and Council-
lors in Burghs
in Schedule
(A.)

And be it Enacted, That in each of the Burghs contained in the said Schedule (A.) the Electors contained in the list appointed to be made up and kept by the said recited Act of the second and third year of the reign of His present Majesty of Persons entitled to vote for the return of a Member to Parliament, shall hereafter be the Persons qualified and entitled to vote for the election of Councillors in the Burghs contained in the said Schedule (A.); and such Electors shall on the *Third* day of *November* next, being the day appointed for the annual Election of Councillors for each such Burgh, assemble in the manner directed by the said first recited Act of the third and fourth year of the reign of His said present Majesty, and elect in the manner thereby prescribed, and from among the persons thereby declared qualified to be Councillors, the whole number of the Council hereby appointed to be the Council of each such Burgh respectively; and such Meeting shall be held, and such Election shall proceed in all respects in the manner directed by the said last-mentioned Act. 15 20 25

11.
Election of
Provost and
Magistrates.

And be it Enacted, That the Councillors so elected shall on the *Third* lawful day after their election as aforesaid, assemble, as by the said last-mentioned Act directed and prescribed, and choose such number and description of Magistrates as by the said Schedule (A.) hereunto annexed is indicated and pointed out, for each such Burgh, and also the other usual and ordinary Office-bearers of the Burgh, and the Managers of any charitable or other public institution vested in the Magistrates and Town Council of such Burgh. 30 35

12.
Number and
Description of
Magistrates
and Council
in Schedules
(B.) and (D.)

And be it Enacted, That in each of the several Burghs contained in the Schedules (B.) and (D.) hereunto annexed, the limits and boundaries shall remain as heretofore; and the right of electing Councillors in the Burghs in the said Schedule (B.) shall be in all the persons who are, by virtue of the said first recited Act of the third and fourth year of the reign of His present Majesty, qualified to vote in the election of the Councils of Royal Burghs in Scotland. 40

And

And be it Enacted, That the Persons so qualified in each of the Burghs, set forth in the said Schedule (B.) hereunto annexed, shall on or before the *Twentieth* day of *September* in this present year, and the *Twenty-first* day of *July* in any succeeding year, give in their claims in the manner by the said last-mentioned Act directed, and the proceedings thereupon, and the enrolment in the List or Roll of Electors, and the keeping and making up of the said Lists of the Election of Councillors and Magistrates, and Public Officers in the Burghs contained in the said Schedule (B.), shall be and take place in all respects in the manner prescribed and directed by the said last-mentioned Act.

13. *438*
Electors in Burghs contained in Schedule (B.) to give in their Claims.

And be it Enacted, That in the several Burghs contained in the Schedules (C.) and (D.) hereunto annexed, the right of electing Magistrates and Councillors in such Burghs shall be in all such persons, and in such persons only, not subject to any legal incapacity, who shall, on or before the day of

14.
Magistrates and Council, and Right of Election in Schedules (C.) and (D.)

before which day his claim for registration shall as hereinafter directed be made, be in the occupancy, either as proprietor, tenant or life-renter, of any house, warehouse, counting-house, shop or other building within the limits of such Burgh, which either separately or jointly with any other house, counting-house, shop or other buildings within such Burgh, or with any land owned and occupied by him or occupied under the same landlord, and also situated within such Burgh, be of the yearly value of not less than *Five* Pounds: Provided always, That no Person shall be entitled to be registered or to vote in the present or any future year, unless he shall have resided for *Six* calendar Months next previous to the last day of *August* in the present, or the last day of *July* in any future year, within such Burgh, or within *Seven* Statute Miles of some part thereof: Provided also, That Persons so resident shall be entitled to be registered and to vote, if they are the true owners of such premises as are hereinbefore mentioned within such Burgh, of the yearly value of not less than *Five* Pounds, although they should not occupy any premises within the same, or the premises actually occupied by them should be of less yearly value than *Five* Pounds; and that the husband of such owners shall be entitled to vote either in the lifetime of their wives or after their death if then holding such property by the courtesy of Scotland: Provided further, That no Person shall be entitled to be registered, or to vote in the election of Councillors, who shall have been in the receipt of Parochial Relief within *Twelve* calendar Months next previous to the last day of *August* in the year *One thousand eight hundred and Thirty-six*, or next previous to the last day of *July* in any succeeding year.

And be it Enacted, That all claims to vote for Councillors by persons qualified as Electors, as last herein described, in the Burghs contained in the said Schedules (C.) and (D.) hereunto annexed, and the

15.
Claims to vote by Electors in Burghs in Schedules (C.) and (D.), how to be made.

proceedings thereupon, and the enrolment in the list or roll of Electors, and the keeping and making up of the said lists, and the Election of Councillors and Magistrates in the Burghs contained in the said Schedules (C.) and (D.) shall be made and proceeded in, in all respects, in the manner prescribed and directed by the said first recited Act of the third and fourth year of the reign of His present Majesty. 5

16.
When Elections in Burghs completed, former Magistrates to go out of office.

And be it Enacted, That upon the completion of such Election of Councillors, Magistrates and Office-bearers so to be made in each such Burgh respectively, and not sooner, the Provost, Magistrates, Councillors and Office-bearers now in office therein, and other persons in the employment of such Burgh not holding their offices permanently or ad vitam, aut culpam, shall go out, and their whole powers, duties and functions shall cease and determine, except only where any one or more of such persons shall have been again elected under the provisions of this Act. 15

17.
His Majesty in Council may appoint additional Magistrates.

And be it Enacted, That if, through alteration of the circumstances of any Burgh, it shall become necessary and proper that the number of Councillors and Magistrates in such Burgh should be increased, it shall be lawful for His Majesty, His heirs and successors, with the advice of His Privy Council, by warrant under His Sign Manual, to increase the number of Magistrates and Councillors in such Burgh as shall be thought fit; and such Warrant shall be notified in the Gazette, and the number of Magistrates and Council appointed by such Warrant shall be the number of the Magistrates and Council of such Burgh, in such and the like manner as if the same had been specified and declared in this Act. 20 25

18.
Magistrates may be re-elected.

And be it Enacted, That the Magistrates, Councillors and Office-bearers in every Burgh respectively shall, at the first Election under this Act, be capable of being re-elected: Provided always, That none of the Councillors, going annually hereafter out of office, shall be capable of being re-elected until after the expiration of *One Year* after his so going out of office. 30

19.
First recited Act of the 3d & 4th of His Majesty applied to this Act.

And be it Enacted, That the said first recited Act of the third and fourth year of the reign of His present Majesty, and all the powers, provisions, exemptions, penalties, forfeitures, payments, matters and things therein contained (save and except such parts thereof as are hereby varied, altered or repealed,) shall, as far as the same are applicable, apply to the Election of the Magistrates and Council of the Burghs contained in the said Schedules (A.), (B.), (C.) and (D.) hereunto annexed, and to this Act, and shall be as good, valid and effectual for carrying this Act into execution, as if the same had been re-enacted in the body of this Act. 35 40

And

20.

Member of
Council at
head of List
to have
Casting Vote.

458

And be it Enacted, That in all cases of equality of Votes at the Election of Magistrates or other officers in any Burgh, the casting Vote shall be given by the Member of Council who shall stand first on the List of Councillors, and who shall have such casting Vote over and
5 above the deliberative Vote of such Member of Council,

21.

In Chief
Magistrate's
absence,
Senior Bailie
or Councillor
to act.

And be it Enacted, That in the absence of the Provost or the Chief or Senior Magistrate, at any Meeting of the Magistrates and Council of any Burgh, the Bailie, and failing the Bailies, the Councillor then present who shall have been longest in the Magistracy
10 or Council, shall be entitled to act in the place of such absent Provost or Chief or Senior Magistrate, with all the powers and privileges belonging, or which belonged or were competent to such Provost or Chief or Senior Magistrate; and at all such Meetings the Provost or Chief or Senior Magistrate or other person officiating for him shall in
15 cases of equality over and above a deliberative Vote have a casting Vote.

22.

Persons hold-
ing Contracts,
&c. not eli-
gible as Coun-
cillors.

And be it Enacted, That no Person in any Burgh who is directly or indirectly by himself or any partner concerned or interested in or under any Contract with, by or on behalf of such Burgh, or to which
20 such Burgh is a party, or who holds directly or indirectly by himself or any partner any place of profit, office or employment under or in the appointment of the Magistrates and Council of such Burgh, shall be capable of being elected, or of acting as a Councillor thereof, while he shall hold such place of profit, office or employment, or during
25 the subsistence of such contract, or while any claim arising out of the same shall be unsettled; nor shall any Councillor or Magistrate be capable of being elected to any such place of profit, office or employment until *One Year* after he shall cease to be a Councillor or Magistrate: Provided, That no person shall be disqualified from being a
30 Councillor by reason of his being a proprietor or shareholder of any Company which may contract for the lighting or supplying with water or insuring against fire such Burgh or any part thereof.

23.

Election to
supply va-
cancy of
Magistrate or
Councillor.

And be it Enacted, That if any Vacancy shall occur in the office of Magistrate or Councillor for any Burgh between the periods of the
35 annual Elections, the Electors entitled to vote shall, on a day to be fixed by the Provost or Chief Magistrate acting for the time, such day being not later than *Ten Days* after such Vacancy, elect from the persons qualified to be a Magistrate or Councillor another person to supply such vacancy, and such Election shall be held, and the
40 voting and other proceedings, in case of a competition and contest, shall be conducted in the same manner and subject to the like provisions as are prescribed by the said first recited Act of the third and fourth year of the reign of His present Majesty and by this Act, with respect to the Election of such Magistrates and Council respectively; and every person so elected shall hold office until the time at which

the person in room of whom he was chosen would regularly have gone out of office, and he shall then go out of office, but shall be capable of immediate re-election if then duly qualified.

24.
Office of
Magistrate
or Councillor
rendered void
by Bank-
ruptcy.

And be it Enacted, That if any Person holding the Office of Magistrate or Councillor for any Burgh shall become Bankrupt or sue out a Cessio Bonorum, or compound with his Creditors, such person shall thereupon become disqualified, and shall cease to hold the office of Magistrate or Councillor; and the Magistrates and Council shall thereupon forthwith declare such office to be vacant, by affixing a notice to that effect in writing under the hands of *Three* or more of them, countersigned by the Town Clerk, on some public place within the said Burgh, and the same shall thereupon become vacant; but any such person whose office shall for such cause be rendered void, shall on obtaining a discharge from his creditors, or on payment of his debts in full, be capable, if otherwise duly qualified, of being re-elected to such office.

25.
Magistrates
and Council
may appoint
Committees.

And be it Enacted, That it shall be lawful for the Magistrates and Council of any Burgh to appoint out of their own body from time to time such and so many Committees, either of a general or special nature, and consisting of such number of persons as they may think fit, for any purposes which it may appear to the Magistrates and Council would be better managed by means of such Committees: Provided always, That the acts of every such Committee shall be subject to the approval of the Magistrates and Council.

26.
Appointment
of Town
Clerks and
other Officers.

And be it Enacted, That after the Elections of Councillors and Magistrates shall be completed under the provisions of this Act, it shall be lawful for the Magistrates and Council to elect or appoint a Town Clerk in each Burgh respectively, and also such other Officers or Servants as are usual and necessary for such Burgh, and the Town Clerks to be appointed shall hold their offices during pleasure, and the other Officers or Servants shall be appointed for *One Year* or during pleasure, as the said Magistrates and Councils of such Burghs shall think fit: Provided always, That the Town Clerk and Treasurer shall not be the same person, and that the present or future Town Clerks and other Servants or Officers of any such Burgh shall in all cases be re-eligible; and if in any case it be necessary or advisable that the appointment of any Officer of any Burgh, except the appointments by this Act otherwise regulated, should be for life or for a term of years, it shall not be competent to elect or appoint any Officer to such vacancy until the expiration of *Three Months* after the vacancy shall have occurred, and unless notice of the intention to hold the Meeting at which the election or appointment is to be made shall have been given *Ten Days* previous to such Meeting, by affixing a printed or written

435

written intimation of such Meeting, and the purpose for which it is called, within the Town Clerk's Office; and upon the walls of the Council Chamber, Town Hall or Court House and other conspicuous public places within the Burgh; but without prejudice to the Magistrates and Council appointing a person to do the duties of such office from the time the vacancy, takes place till the election or appointment shall be completed.

And be it Enacted, That every Officer of any Burgh who shall be in any office of profit at the time of the *passing of this Act*, whose office shall be abolished, or who shall be removed from his office under the provisions of this Act, or who shall not be re-appointed as aforesaid, shall be entitled to have an adequate Compensation, to be assessed by the Magistrates and Council, and paid out of the funds of the Burgh, for the salary, fees and emoluments of the office which he shall so cease to hold, regard being had to the manner of his appointment to the said office, and his term or interest therein, and all other circumstances of the case; and every Person entitled to such Compensation as aforesaid shall deliver to the Town Clerk, or in case such Person shall himself be Town Clerk, then to the Chief Magistrate of the Burgh, a Statement under the hand of such Person, setting forth the amount received by him or his predecessors in every year during the period of *Five Years* next before the *passing of this Act*, on account of the salary, fees, emoluments profits and perquisites, in respect whereof he shall claim such Compensation, distinguishing the office, place, situation, employment or appointment in respect whereof the same shall have been received, and containing a Declaration that the same is a true statement according to the best of the knowledge, information and belief of such Person, and also setting forth the sum claimed by him as such Compensation; and the Town Clerk or Chief Magistrate, as the case may be, shall lay such Statement before the Magistrates and Council, who shall take the same into consideration and determine thereon; and immediately upon such determination being made, the Person preferring such claim, if he shall not himself be the Town Clerk, shall be informed thereof by notice in writing under the hand of the Town Clerk; and in case such claim shall be admitted in part and disallowed in part, such notice shall specify the particulars in which the same shall have been admitted and disallowed respectively; and in case the Person preferring such claim shall think himself aggrieved by the determination of the Council thereon, or in case *One-third* of the Members of the Magistrates and Council shall subscribe a Protest against the amount of Compensation allowed by the determination of the Magistrates and Council as excessive, it shall be lawful for the Person preferring such claim, or any Member of the Council who shall subscribe such Protest, to appeal to the Lords Commissioners of

27.
Officers to
receive Com-
pensation on
Removal.

His Majesty's Treasury, who shall thereupon make such order as to them shall seem just; and such order, signed by *Three* or more of such Lords Commissioners shall be binding on all Parties: Provided always, That if the Magistrates and Council shall not determine on such claim within *Six* calendar Months after the aforesaid Statement shall be delivered to the Town Clerk or Chief Magistrate, as the case shall be, such claim shall be considered as admitted: Provided also, That it shall not be lawful for any of the Magistrates or Council to subscribe such Protest as aforesaid except within such period of *Six* calendar Months: Provided farther, That the Person preferring such claim, if any of the Magistrates or Council shall so require, upon receiving notice in writing, signed by the Town Clerk, unless such Person shall himself be Town Clerk, in which case no such notice shall be requisite, shall from time to time attend at any meeting or adjourned meeting of the Magistrates and Council for the investigation of such claim; and then and thereupon his oath or solemn affirmation to be taken or made before the Provost or Chief Magistrate (who is hereby authorized to administer the same), shall answer all such questions as shall be asked by any of the Magistrates and Council touching the matters set forth in the Statement subscribed by such Person as aforesaid, and produce all books, papers and writings in his possession, custody or power relating thereto: Provided also, That every such Officer who shall be continued in or re-appointed to such office under the provisions of this Act, and who shall be subsequently removed from such office for any cause other than such misconduct as would warrant removal from any office held during good behaviour, shall be entitled to compensation in like manner as if he had been forthwith removed under the provisions of this Act, and had not been continued in or re-appointed to such office.

28.
Compensation,
how to be payable
and secured.

And be it Enacted, That the sum payable to any Person as such Compensation as aforesaid, shall be payable out of the common good, means, property or estate of the said Burgh, or the income or revenue of the same, or out of the assessments hereby authorized to be raised, and shall be secured to such Person by bond or obligation in due and competent form, under the common seal of the Burgh out of whose funds the same is payable; and such bond or obligation shall be prepared at the expense of the said Burgh, and as soon as conveniently may be after the amount of such Compensation shall have been ascertained and fixed as aforesaid.

29.
Wards may
be altered.

AND whereas by the said first recited Act of the third and fourth year of the reign of His present Majesty, it was provided, That the Burghs of Edinburgh, Glasgow, Aberdeen, Dundee, Perth, Dunfermline, Dumfries and Inverness, should be divided into Wards or Districts, by the Commissioners named and appointed by His Majesty to inquire

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inquire into and report upon the condition of the several Burghs and Towns of Scotland, by virtue of a Commission dated on the *Fifteenth* day of *July One thousand eight hundred and Thirty-three*: AND whereas it may be necessary, in consequence of the alteration and extension of the Boundaries or Limits of the said Burghs by this Act, that the present Wards should be altered or modified in number and boundary, or otherwise; BE it therefore Enacted, That at all Elections of Councillors under this Act, the Wards or Districts into which the said Burghs were divided by the Town Clerks of such Burghs respectively, in terms of the said recited Act of the third and fourth year of the reign of His present Majesty, or have been or may be divided by the Sheriffs respectively, in virtue of an Act passed in the last Session of Parliament, intituled, "An Act to explain and amend an Act passed in the second and third year of the reign of King WILLIAM the Fourth, for amending the Representation of the People in Scotland, and to diminish the Expenses there," shall be taken and observed as the Wards into which the said Burghs shall hereafter be divided for the Election of Councillors under this Act, in the same manner and to the same effect as if the division of the same were herein particularly set forth and enacted.

And be it Enacted, That the respective Town Clerks of every such Burgh, shall on or before the *First Day of October* in this present year prepare a distinct Statement, in the form of a Stock Account, of all the Property, heritable and moveable, belonging to the Burgh, and of the Revenue from whatever source derived and of every description belonging to such Burgh; and also of all the Debts, heritable or moveable, and of every annuity or permanent or usual annual or other out-going of every description due and payable by the said Burgh.

And be it Enacted, That the respective Town Clerks of every such Burgh shall at the term of *Lammas* in all future years make up a complete State of the Annual Income or Revenue of such Burgh, arranging and distinguishing the different sources from which such Income or Revenue is derived, under the heads of Rents, Feu Duties, Customs, produce of Assessments and the like, completing such enumeration; and which State shall within *Fourteen Days* of the said term of *Lammas* annually be revised and audited by a Committee of the Council to be appointed for that purpose, and if found to be correct, shall be certified by such Committee accordingly, and shall thereupon be regularly entered by the Clerk in some proper account book of the said Burgh, and an extract or copy thereof, certified by the Town Clerk, shall be furnished by him to the Chamberlain or Treasurer, as his authority for collecting the income or revenue of the Burgh as set forth in such State.

30.
Account of
Property
of Burgh
to be made
before Oct. 1.

31.
State to be
made up of
the Income,
&c. to be col-
lected.

32.

Books to be
kept by
Chamberlain,
&c.

And be it Enacted, That the respective Chamberlains or Treasurers of every such Burgh shall keep a regular Cash Book and Ledger, in which shall be entered all the receipts and disbursements of the Burgh Funds which shall in any wise come to be paid to or by such Chamberlain or Treasurer; and such Cash Book shall be examined, revised and docqueted half-yearly, by a Committee of the Council appointed for that purpose, and such Cash Book and Ledger shall form a part of the Burgh Records.

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33.

Chamberlain
to make up
Accounts
annually.

And be it Enacted, That the respective Chamberlains or Treasurers of such Burghs shall, within *One Month* after the said term of *Lammas* yearly, make up a full and articulate Account of his intromissions during the year preceding the said term, in which shall be set forth the whole receipts and disbursements of the Chamberlain or Treasurer, with the Funds of every description of the said Burgh; and such receipts and disbursements shall, as far as shall be practicable, be set forth under the different heads or branches of receipt or expenditure to which they properly belong; and the said Account shall on or before the *Fifteenth* day of *September* in each year, be carefully examined with the vouchers thereof, and audited and docqueted, and signed by a Committee of the said Council appointed for that purpose; and no account shall be held to be finally closed unless so audited and docqueted and signed.

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34.

General State
of the Pro-
perty of the
Burgh to be
made up an-
nually by
Town Clerks.

And be it Enacted, That after the Chamberlain or Treasurer's Account shall have been so made up and docqueted, the respective Town Clerks of each such Burgh shall on or before the *First* day of *October* in all future years prepare a complete State, exhibiting the common good or property of the Burgh, heritable or moveable, together with the amount of all sums received on account of the Burgh, as loans, prices of property of any description, or for the purchase of any annuity, or any grassum, or other consideration of whatever kind; and all the debts due to the Burgh, also its whole income or revenue, from whatever sources derived, and classed under the several appropriate or distinctive heads or classes to which the different branches of revenue properly belong, and showing the amount of each branch, and how much thereof has been received, and how much is in arrear, and how long such arrears have been outstanding, and also setting forth what abatements, if any, have been allowed, and on what account; also all debts due by the Burgh, and all incumbrances, and cautionary and other obligations to which it is subject and liable, showing the date at which any such debt was incurred, or such obligation undertaken or entered into, and all sums paid on account of the Burgh, and due or owing by the Burgh for the year which such State comprehends; and such State shall be examined, audited and docqueted by a Committee of the Council, and shall be subscribed by the Chief Magistrate and Town Clerk, and shall be preserved as a part of the Burgh Records.

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And

35.

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Abstract of
affairs of
Burgh to be
printed and
distributed
gratis.

And be it Enacted, That the respective Town Clerks of every such Burgh shall prepare an Abstract of the State last hereinbefore directed to be made out, containing all necessary particulars, and exhibiting the general result of such statement and the condition of the affairs of the Burgh; and in all cases in which the annual revenue of the Burgh shall be not less than *One hundred* Pounds, the Town Clerks shall cause such Abstract to be printed, and shall deliver the same at his Office *gratis* to every Elector of such Burgh who shall demand it; and where the annual revenue of the Burgh shall be less than *One hundred* Pounds, such Abstract shall be prepared, and a written Copy shall lie at the Town Clerk's Office for the examination of any Elector who shall require to see the same.

36.

Accounts and
Vouchers to
be exhibited
gratis for One
Month.

And be it Enacted, That for *One* Month succeeding the said *Tenth* day of *October* in each year, all the accounts hereby directed to be kept or prepared, and States, abstract and vouchers of the accounts of the Burgh, shall be exhibited *gratis* at the Office of the Town Clerk, at any hour between *Eleven* and *Three* to any Elector who shall demand to see the same; and such States and accounts shall also at all other times within the hours aforesaid be exhibited to any Elector demanding to see the same, on payment of a fee of not more than *Two Shillings and Sixpence* per hour to the Clerk attending him in making the inspection.

37.

Penalty on
failure to keep
Accounts, &c.

And be it Enacted, That if any Town Clerk, Chamberlain or Treasurer shall fail or neglect to prepare, furnish, exhibit or publish any Statement, Account or Abstract, or to keep any Book or Books which such Town Clerk, Chamberlain or Treasurer is hereinbefore required to do, or shall otherwise fail or neglect to comply with the directions of this Act, in relation to the property, debts, revenue and affairs of such Burgh, such Town Clerk, Chamberlain or Treasurer shall for every such offence committed by him forfeit and pay a sum not less than *Fifty* Pounds, besides being liable for any loss or damage that may be occasioned by such neglect or failure.

38.

Separate
Books and
Accounts, &c.
of Trusts to
be kept.

And be it Enacted, That separate Books and Accounts of all Trusts, mortifications and endowments, of which the Magistrates and Council of any Burgh shall be the Trustees or Managers, or which shall in anywise be committed to their charge, or where the Magistrates and Councillors form a majority of the Trustees, shall be kept, showing the property, revenue and expenditure of the Trust.

39.

Trust Books
to be balanced,
and state of
Fund to be
made up
annually.

And be it Enacted, That such separate Trust Books shall be brought to a balance within *Fourteen* Days after the term of *Lammas* in each year; and before the *First* day of *October* annually, a State of the Trust property shall be prepared by the Town Clerk or other Person having the charge of the Books and Accounts of the Trust, exhibiting as

nearly as may be the several particulars hereinbefore directed to be contained in the State of the property of the several Burghs required to be prepared by the respective Town Clerks before the *First* day of *October* annually; and if the Trusts shall be for purposes of education or charity, the State shall set forth the manner in which the estate has been administered and applied, and the names of all the parties who have participated in the proceeds thereof during the preceding year; and in cases where the annual income exceeds *One hundred* Pounds, an Abstract shall be prepared, published and exhibited in the same manner as is prescribed in regard to the Abstract of the state of the affairs of the Burgh; and the Books and Accounts of the Trust shall be open for inspection, and for the like time as hereinbefore provided in regard to the Books and Accounts of the Burgh; and the Town Clerk or other Officer in charge of the Books and Accounts of the Trust, shall for any failure or neglect in performance of the duties hereby imposed upon him, be subject and liable to a penalty of not less than *Fifty* Pounds.

40.
Magistrates
to make De-
claration of
Trusts.

And be it Enacted, That where any Trust Fund is vested in the names of any Magistrates or Councillors, or in the name of any individual Magistrate or Councillor, such Magistrates or Magistrate, Councillors or Councillor shall, upon being required so to do, subscribe a Declaration of Trust in the Council Books of the Burgh in relation to such Trust Fund, and declaring the purposes and conditions for and on which they or he hold or holds the same.

41.
Valuation of
Burgh Pro-
perty.

And be it Enacted, That within *Twelve* Months after the *passing* of this Act, and once in every *Five* Years thereafter, the Magistrates and Council of every Burgh shall cause the whole property of the Burgh lands, heritages and moveable property of every description to be valued by skilful persons, whose estimation thereof shall be formed upon the worth of such property, at the time and according to the price which it would then bring in the market if sold, and without reference to any prospective or contingent value not influencing such property at the time; and the valutors employed shall make up a State of the value of all such properties under distinct and appropriate heads, and such State shall be entered in the Council Books of the Burgh by the Town Clerk thereof within *One* Month after such valuation shall have been made; and if the Magistrates and Councillors in office, when such valuation is required to be made, shall fail to cause the same to be made, they shall each be individually liable in a penalty of not less than *Fifty* Pounds; and if any Town Clerk of any Burgh shall fail to enter the same in the Council Books within the time hereinbefore prescribed, he shall be liable in a penalty of *Fifty* Pounds.

42.
Property may
be sold, or
Money bor-
rowed to
pay Debt.

And be it Enacted, That where the property of any Burgh is now liable to be attached or adjudged, and carried off for the satisfaction of any

any Debt due by such Burgh, it shall be lawful for the Magistrates and Council thereof, at a Meeting to be called by Notice given *Fourteen* Days previous to such Meeting to each of such Magistrates and Councillors, in which the special purpose of such Meeting shall be
 5 announced, to take the nature of such Debt into consideration; and if it shall seem expedient to them so to do, to determine by Act of Council that such Debt shall be paid and satisfied, and for that purpose to sell or authorize the sale of so much of the property, heritable or moveable, of the said Burgh, as may by law be sold, and may be necessary to pro-
 10 duce a sum adequate to the payment of such Debt, and with the produce of such sale to pay such Debt accordingly; or it shall be lawful for the said Magistrates and Council, if they shall judge it preferable, to order by Act of Council the payment of such Debt, by money to be raised upon the security of any property of the Burgh; provided
 15 that notice and publication of such sale, borrowing, and Acts of Council shall be given as is hereinafter required in relation to other sales or borrowing.

And be it Enacted, That it shall not be lawful for the Magistrates and Council of any Burgh (unless for the payment of debt as aforesaid)
 20 to sell or alienate all or any part of the Lands or Heritages belonging to the Burgh by sale or excambion, or to borrow any money upon the credit of the heritable property of the Burgh, unless previous to such alienation or borrowing, the purpose of alienating or borrowing shall have been agreed to by *Two-third* parts of the whole Magistrates and
 25 Council of the Burgh, by an Act of Council passed at a meeting of such Magistrates and Council, such meeting having been called by notice, specifying the object of the meeting, and such notice, printed or legibly written shall also be affixed in the Town Clerk's Office, or on the Doors of the Council Chamber, Town Hall or Court House,
 30 and other conspicuous public places within the said Burgh, for *One* Month at least previous to such meeting; and such Act of Council shall in like manner be affixed in the Town Clerk's Office, and on the Doors of the Council Chamber, Town Hall, Court House, and other conspicuous public places within the said Burgh as aforesaid: Provided
 35 always, That all such alienations and loans shall be null and void, unless such notice and publication shall have been so given and made.

43.
Regulating
Alienation,
and borrow-
ing.

Provided always, and be it Enacted, That nothing herein contained shall prevent the Magistrates and Council of any Burgh from feuing or granting Building Leases of the Lands or Heritages belonging to the
 40 Burgh: Provided also, That no Lands shall be feued, and no Building Leases granted for a price in a gross sum or for a fine or grassum; but the consideration to be taken shall be in the shape of an annual feu-duty or ground-rent; and no Leases of any heritable property except Building Leases, shall be let for a longer period than *Twenty-one* Years, nor shall any Lease either of heritable property or of any of the

44.
Lands not to
be alienated
for a price or
grassum;

nor Leases
granted with-
out an Act of
Council.

revenues, customs or imposts of any Burgh be granted, unless upon the authority of a previous Act of Council, setting forth the reasons of granting the Lease, and the conditions upon which the same is to be granted; and any Feu or Lease granted otherwise than in terms of these provisions shall be null and void.

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45.
Alienations to
be by Public
Auction.

And be it Enacted, That no alienation of the heritable property of any Burgh by sale, feuing or leasing (excepting Leases of agricultural subjects) shall take place otherwise than by public auction, and no Magistrate or Councillor of any Burgh, or any public officer or servant of any Burgh, shall be capable of becoming the purchaser, or feuer 10
or tacksman of any such property, revenues, customs or imposts; and every disposition, feu right, or tack of any such property sold, feued or let by private transaction, or otherwise than by public auction, or to any Magistrate, Councillor or public officer, shall be null and void.

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46.
Public Works
to be executed
by Contract.

And be it Enacted, That no Work, Improvement or Undertaking, the Cost of which shall exceed Pounds, shall be executed unless the same shall have been agreed to and sanctioned by an Act of Council passed at a meeting specially called for the consideration thereof in the manner hereinbefore directed; and the execution of 20
every such Work, Improvement or Undertaking, where the estimated expense thereof shall exceed Pounds, shall be by Contract, and after intimation by notices affixed in the Town Clerk's Office, and on the Door of the Council Chamber, Town Hall or Court House, and other conspicuous public places, inviting Contractors to offer for 25
the same; and the Contract shall be approved of by the Magistrates and Council of the Burgh by Act of Council; and no Magistrate, or Councillor, or officer, or servant of the Burgh, shall be capable of becoming a Contractor for the execution of such work, improvement or undertaking, or of becoming a Contractor in any Contract with the 30
Burgh.

47.
Power to
transfer light-
ing and watch-
ing powers to
Magistrates
and Council.

AND whereas it is expedient that the powers and jurisdiction now vested in the Trustees or Commissioners under various Acts of Parliament for paving, lighting, cleansing, watching, regulating the police of, supplying with water, and improving certain Burghs, or parts thereof, 35
should be transferred to and vested in the Magistrates and Council of such Burghs respectively; BE it Enacted, That if at any Meeting of such Trustees or Commissioners, called for the special purpose of considering the expediency of so transferring such powers on *Fourteen* Days' Notice, it shall be determined by a majority of such Trustees or 40
Commissioners, that such transference ought to be made, then and in that case it shall be lawful for the Trustees or Commissioners under any such last-mentioned Acts, and they are hereby authorized and empowered to transfer and convey by a Minute, to be duly executed by
a majority

a majority of such Trustees or Commissioners, all the powers vested in such Trustees or Commissioners by any such Act or Acts of Parliament as aforesaid, and all the property, heritable and moveable, and all debts, obligations and arrears of Rates due to such Trustees or Commissioners, for the purposes of any such Act, to the Magistrates and Council of the Burgh to which such Act or Acts of Parliament relates or relate; and the Magistrates and Council of such Burgh shall thereafter be the Trustees or Commissioners for the execution of such Act or Acts of Parliament, and shall have the same powers, jurisdictions and authorities, and be subject to the same duties as if they had been originally named, or had been legally elected or appointed Trustees or Commissioners under the provisions of such Act or Acts of Parliament.

Provided always, and be it Enacted, That the Magistrates and Council to whom any such transfer and conveyance shall be made of powers and property under any Act for paving, lighting, cleansing, watching, regulating the Police of, supplying with water, and improving any Burgh, shall hold all such property, heritable and moveable, of every description, and any money acquired under the powers of such Act, and so conveyed to them, for the ends and purposes to and for which such property or money was directed to be applied by such Act; and all such property shall be conveyed by such Trustees or Commissioners, or their Clerk, or other Person in whom the same was vested, to such Magistrates and Councilors, in such form as may be requisite; and it shall be lawful for such Magistrates and Council to recover and pursue for the same, or any such debts, obligations, and arrears as aforesaid, according to law; and such Magistrates and Council shall be bound to implement and fulfil all legal contracts, obligations, and undertakings entered into by such Trustees or Commissioners under such Act.

48.
Magistrates
to hold Pro-
perty for the
purposes of
the Act.

And be it Enacted, That the Common Good and Property, heritable and moveable, and Means and Revenues, and Income of every description leivable within or belonging to any Burgh, or to which such Burgh is entitled, or which are held or administered for or in behalf of the community of such Burgh for the public ends or purposes thereof, (but subject to any liabilities to which the same are legally liable,) shall be and the same are hereby vested in the Magistrates and Council to be elected and chosen for such Burghs respectively under the provisions of this Act, with full power, right and authority to levy, adjudge, sue for and recover the same for the benefit of such Burghs respectively.

49.
Vesting the
Property of
Burghs in
Magistrates
to be elected
under this
Act.

And be it Enacted, That all mortifications, endowments, trusts or bequests, or trust property held or administered by the Magistrates and Council of any Burgh, or by any person or persons, body or

50.
Trusts for
behalf of
Burgh vested.

bodies holding or administering the same in any Burgh in which before the passing of the said two recited Acts of the third and fourth year of the reign of His present Majesty there were no Magistrates and Council, for the behoof or benefit of such Burgh or the community thereof, (but subject to any liabilities to which the same are legally liable,) shall be vested in, held and administered by the Magistrates and Council to be elected and chosen for such Burghs respectively under the provisions of this Act, for, to and upon the trusts and purposes, and subject to all the conditions and provisions to, for, under and upon which the same were conveyed, granted or settled by the grantors or makers of such mortifications, endowments, trusts or bequests, with full power, right and authority to adjudge, sue for, collect, levy and recover the same for the purposes thereof respectively, and for no other purposes.

51.
Where no
Common
Good, or where
inadequate,
Assessments
may be raised
for defraying
expense of
Burghs.

AND whereas in many of the Burghs and Towns in Scotland, the common Good or other Means or Revenues of such Burghs and Towns are inadequate to defray the Expenses of the Municipal and Judicial Establishments thereof, and the Expenses attending the Elections under the said two recited Acts of the third and fourth year of the reign of His present Majesty, and other Expenses thereby appointed to be paid from the common Good or other Means or Revenues of such Burghs respectively; and it is expedient that a remedy should be provided for such cases; BE it Enacted, That in any Burgh in which there is no common Good, Means or Revenues applicable to the Municipal and Judicial Establishment thereof, or in which it shall appear that upon an average of the last *Three* Years the available annual Income or Revenue of such Burgh has been inadequate to defray the Expenses necessarily incurred by the Burgh, and there are no practicable means either of sufficiently reducing the Expenses of the Burgh or increasing its Revenue or Income, it shall be lawful for the Magistrates and Council of any such Burgh to levy, as hereinafter specified, an Assessment not exceeding in the pound upon the real Rent of all the Lands or Heritages of every description situate within the limits of such Burgh; excepting always from such Assessment such lands and premises as may be occupied solely for agricultural purposes, and all houses and tenements under the value of *Forty* Shillings of yearly rent, and all subjects occupied solely for the purposes of public worship, or of charity or science or education; and such Assessment shall be payable by the Proprietor of such Lands and Heritages, where the same are occupied by such Proprietor, and where let, *One-half* thereof shall be payable by the Proprietor, and the other *Half* thereof by the Tenant; and such Assessments shall be payable half yearly, at the terms of Martinmass and Whit-Sunday in each year.

Provided

52. Notice and Act of Council before Assessment imposed.

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Provided always, and be it Enacted, That it shall not be lawful for the Magistrates and Council of any Burgh to impose or levy any such Assessment unless *Three Months*, at least, previous to the annual Election of Council, preceding the time at which it is intended to impose such Assessment, a Majority of at least *Two-thirds* of the whole Magistrates and Council have passed an Act of Council, setting forth in detail the state of the Burgh Revenues, and exhibiting the deficiency of the Burgh Revenue, and other causes rendering such Assessment necessary, the amount of the proposed Assessment, and the purposes to which the same is intended to be applied; nor unless such Magistrates and Council shall have caused a written or printed Copy of such Act of Council to be affixed within the Town Clerk's Office, and upon the walls of the Council-chamber, Town-hall, and Court-house, and other conspicuous public places of such Burgh, *Two Months* preceding the annual Election of Councillors as aforesaid; nor unless such Act of Council shall, after such publication thereof as aforesaid, be approved of and confirmed by a Majority of at least *Two-thirds* of the Magistrates and Council assembled at a meeting to be called for taking the same into consideration within *One Month* after the annual Election of Councillors succeeding the publication of such Notice, so that such Assessment shall before being imposed be in all cases proposed by the Magistrates and Council of one year, and be approved of by the Magistrates and Council of another year.

53. Valuation of Lands and Heritages able to Assessment.

And be it Enacted, That the Magistrates and Council of any Burgh in which such Assessment shall be imposed shall, previous to the imposition of such Assessment, and annually thereafter, cause a valuation of the Lands and Heritages liable to Assessment within such Burgh, to be made up by some public officer of such Burgh, or by an Assessor to be appointed for the purpose, which Assessor they are hereby authorized to appoint, showing the real rent of the several subjects on which such Assessment is intended to be imposed; and the Person so to be appointed to make the same, shall be entitled to the inspection and use of the rolls or lists made up for the imposition and collection of the land-tax or cess, or assessed taxes, or for the imposition and collection of any other public or local tax or burden; and such Valuation being completed, the Magistrates and Council shall, *Two Months* previous to the imposition of any such Assessment, cause intimation to be made by a written or printed Notice affixed in the Town Clerk's Office, and on the doors of the Council-chamber, Town-hall and Court-house and other conspicuous public places, that such Valuation and the amount of the Assessment proposed to be made on the several Lands and Heritages therein valued will be deposited on a day to be specified in the Notice, in the Town Clerk's Office, there to be open for *Four Weeks* for the inspection, *gratis*, of all concerned; and such Valuation and Assessment shall be deposited and lie open

accordingly; and such Notice shall further set forth the time and place at which any party dissatisfied with such Valuation and Assessment may be heard upon an appeal therefrom to be made in manner hereinafter mentioned, such time not exceeding *Seven Days* after the expiration of the *Four Weeks*, during which the Valuation is to lie for inspection. 5

54.
Committee of
Appeal.

And be it Enacted, That such Magistrates and Council shall appoint a Committee of *Three* of their number to determine any appeal that may be made against such valuation, and it shall be lawful for any Person dissatisfied with the valuation of his or her property and proposed assessment, within such *Seven Days* as aforesaid, but not thereafter, and *Three Days* at least before the day to be appointed for hearing such appeals, to lodge with the Town Clerk of the Burgh a Note in writing stating the grounds of appeal; and whatever such Committee shall after hearing such appeal determine, shall be final and conclusive, and not subject to review in any manner of way. 10 15

55.
Valuation and
Assessment to
be delivered
to Collector
as Warrant.

And be it Enacted, That when such Assessment or Valuation shall be finally settled, a statement of the amount of the sums to be levied from the several persons liable for the same, signed by the person making the valuation and assessment and by the Committee of Appeal, shall be delivered by the Magistrates and Council to the Chamberlain or Town Treasurer of such Burgh, or other person whom the Magistrates and Council shall employ to collect such assessment, as his Warrant for collecting; and such person shall enter such state in a book to be kept by him, and shall also enter in such book a regular and distinct account of the sums to be received by him. 20 25

56.
Recovery of
Assessment.

And be it Enacted, That where any Person rated and assessed under this Act shall refuse or neglect to pay the assessment charged upon him for the space of *Ten Days* next after the same shall be due and demanded by the Collector, it shall be lawful for the said Collector to apply to any Magistrate of the Burgh for a warrant to any of the Officers of the said Burgh to enter the premises, and to seize and take possession of the goods and effects of the Person assessed and refusing and neglecting as aforesaid, which warrant the said Magistrate is hereby authorized and required to grant, upon a certificate signed by the Collector or Person who made the demand, of such demand having been made, and of such Person being in arrear to the amount to be stated in the certificate; and if such assessment shall not be paid within *Three Days* after such seizure is made, together with charges and expenses thereby incurred, then the said Collector is hereby authorized to sell by public roup, either on the premises where the said goods were seized, or any other place, such part of such goods or effects as shall be sufficient to pay such assessment, with the expenses attending such 30 35 40

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such seizure and sale, returning the surplus, if any be, to the owner ; and failing the recovery of all or any part of the assessment in arrear in manner before described, the Collector shall be and he is hereby authorized and empowered to prosecute for and otherwise recover the same according to law ; and the Collector shall be bound to preserve the warrants of such seizures or sales, and enter in a book to be kept for that purpose the names of the parties proceeded against, the assessment due, the expense of the proceedings, and the true proceeds of each sale, which book shall be open to the inspection (without any fee) of all parties interested for *Three Months* after the date of each sale respectively ; and at any time within that period it shall be competent to any Party considering himself aggrieved to complain to the said Magistrate of any thing done unjustly or oppressively in regard to such seizure or sale, such complaints being made in the form of Petitions subscribed by the complainer ; and the decision of the Magistrate shall be final and not subject to review in any court by any form whatever.

And be it Enacted, That the Assessment to be so imposed, levied and collected shall be applied in defraying the expenses of the Judicial and Municipal Establishments of such Burghs, the maintenance of an efficient Police, the Paving, Lighting, Cleansing and Watching the Streets of the Burgh, and supplying the same with Water, or any such one or more of these or other purposes which in the circumstances of the Burgh may be necessary, and which shall have been specified in the Act of Council to be passed and published as aforesaid.

57.
Application of
Assessment.

And be it Enacted, That it shall and may be lawful for the Magistrates and Council of any Burgh, either to continue to collect the Petty Customs, Imposts, Rates or Duties legally leviable by such Magistrates, as the same have been heretofore levied and exacted, in virtue of any Act of Parliament, Charter or usage, or to alter, modify and equalize such Petty Customs, Imposts, Rates or Duties so as to make the same fall more equally upon the inhabitants of such Burgh.

58.
Modification
of Petty Customs,
Imposts,
&c.

And be it Enacted, That with a view to any alteration or modification of such Petty Customs, Imposts, Rates or Duties, the existing Tables thereof shall be revised and remodelled, and the duties shall in all cases be stated in Sterling Money ; and it shall be lawful for such Magistrates and Council to alter and modify such petty Customs, Imposts, Rates and Duties, by wholly or partially withdrawing the same from some articles and imposing them upon others : Provided always, That the aggregate amount of such altered or modified petty Customs, Imposts, Rates or Duties shall in no case exceed the amount of such petty Customs, Imposts, Rates or Duties, collected according to the average, as nearly as can be estimated, of the *Three Years* preceding the date of the Act of Council deciding upon such alteration or modification.

59.
Tables of Customs to be revised, and Rates stated in Sterling Money.

60.

Table showing intended Alteration of Customs, to be prepared a year before taking effect.

Provided always, and be it Enacted, That *One Year* previous to any such alteration or modification taking place, it shall be incumbent upon such Magistrates and Council to prepare or cause to be prepared a Table or Statement, showing distinctly the actual amount of each such petty Customs, Imposts, Rates or Duties, and the annual produce of the whole during the last *Three Years*, as nearly as the same can be ascertained; and no such alteration or modification of such petty Customs, Imposts, Rates or Duties shall take place, unless the same shall have been agreed to by *Two-thirds* of such Magistrates and Council, by an Act of Council setting forth the particulars of such intended alteration or modification; of which Act of Council intimation shall be given by notice affixed in the Town Clerk's office, and on the Doors of the Council-chamber, Town-hall and Court-house, and other conspicuous public places, *Three Months* at least before an annual Election of Councillors, and *Six Months* before any such alteration or modification shall be in operation and be enforced; nor unless such Act of Council shall be approved of and confirmed by an Act of Council passed by a majority of at least *Two-thirds* of the Magistrates and Council assembled at a meeting to be called for taking the same into consideration, after the annual Election of Councillors succeeding the publication of such notice.

61.

Altered Rates to be in force for Seven Years.

And be it Enacted, That when the Tables of altered or modified petty Customs, Imposts, Rates or Duties shall be adjusted and fixed, the same shall remain in force and be exigible for and during the period of *Seven Years*; and at or before the expiration of *Six Years and a half* from the time at which such Table shall be in force, it shall be competent for the said Magistrates and Council to revise, re-adjust the same, and either to continue the same, or where necessary by Act of Council, to which the concurrence of *Two-thirds* of the Magistrates and Council shall be necessary, again to alter and modify the petty Customs, Imposts, Rates and Duties, in manner and to the effect hereinbefore directed, and before the expiration of such *Six Years and a half*, the said Magistrates and Council shall intimate and publish the Act of Council determining upon such continued, re-altered or re-modified Tables, in the manner in which the first alteration of such petty Customs, Rates or Duties is hereinbefore directed to be intimated and published; and the Rates and Duties in such continued or re-altered or re-modified Table shall be eligible and come into operation and be in force from the beginning of the *Eighth Year* after such first alteration, and shall continue exigible for *Seven Years*, when such petty Customs, Imposts, Rates or Duties may be again continued or altered and modified; and so on at the expiration of each period of *Seven Years*, in the manner and after the like intimation and publication as is hereinbefore required.

And

And be it Enacted, That it shall be lawful for the Magistrates and Council of any Burgh to abolish and do away the exaction of such petty Customs, Imposts, Rates or Duties, and to substitute in lieu thereof an Assessment not exceeding

62. *491*
Customs may be abrogated, and Assessment substituted.

in the Pound on the real Rent of the whole Lands and Heritages within the Burgh, excepting always such lands and premises as shall be occupied solely for Agricultural purposes, and all houses and tenements under the value of *Forty* Shillings of yearly Rent, and all subjects occupied solely for the purposes of public worship or of charity or of science and education; and all such Assessments shall be applicable as hereinbefore provided in regard to Assessments in Burghs having no common Good, or no sufficient common Good; and such Assessments shall not (as nearly as can be estimated) exceed the amount of the Customs, Imposts, Rates or Duties so abrogated.

Provided always, and be it Enacted, That no such Abrogation of petty Customs, Imposts, Rates or Duties and imposition of Assessment shall take place or be enforced unless and until such Magistrates and Council shall have previously intimated and published their intention of proposing the same, and shall have decided thereon by Act of Council, with the concurrence of *Two-thirds* of their number, and intimated and published such Act of Council for the periods and in the manner hereinbefore directed in respect of the Assessments hereby authorized to be made in cases of Burghs having no Common Good, Means or Revenue, or no Common Good, Means or Revenue adequate to the expenses of the Burgh.

63.
Such Abrogation and Assessment not to take place without notice and Act of Council.

And be it Enacted, That it shall be lawful for any *Three* registered Electors to complain, by summary Petition, either to the Court of Session or the Sheriff of the County against any Person for breach of any of the regulations to be imposed by virtue of this Act, or for the enforcement of the performance of the duties or observances, or the payment of any of the Penalties hereby prescribed or imposed, or to apply summarily to such Court or Sheriff as aforesaid, for interdict against any wrong done or contemplated against such Burgh or Community, or the property thereof; and in any case where any abuse or malversation, or mismanagement in or of the burghal funds or property cannot be remedied or punished by reason of the neglect, poverty or collusion of the Electors, it shall be competent for the Lord Advocate of Scotland for the time being, for the public interest, to sue by summary application for the redress or punishment of such abuse or malversation or mismanagement in the Court of Session, in his own name, or through the Procurator Fiscal, in the Sheriff Court: Provided, That every such complaint or application shall be lodged within *Three* Months of the date of the cause of complaint, and that within *Fourteen* Days thereafter the private Parties so complaining shall have found caution to

64.
Three registered Electors may prosecute for Penalties, &c.

such amount as such Court or Sheriff may require for the payment of the costs to which such parties may eventually be subjected.

65.

Costs to be awarded in favour of the successful party in Suits for Penalties, &c.

And be it Enacted, That in all prosecutions for penalties, such Court or Sheriff shall award Costs to the Party in whose favour the determination of such Court or Sheriff shall be, and no part of any penalty or the costs attending the prosecution for the same decerned for against the Magistrates and Council or the Office Bearers of any Burgh, shall be paid from or charged against the funds of the Burgh; and in all other suits or complaints such Court or Sheriff shall have full power to decide regarding costs, and to make the same chargeable either on the funds of the Burgh, or on the private parties, as shall be just.

66.

Registered Electors may sist themselves in Suits or Complaints.

And be it Enacted, That it shall be competent and lawful for any registered Elector to sist himself as complainer or pursuer in such Suit or Complaint, and that either in concurrence with the original Pursuers or Complainers, or, if they shall have withdrawn or become incompetent to prosecute such suit or complaint, by himself, and in case the original Pursuers or Complainers shall have ceased to be parties, such accessary Pursuer or Complainer, or Pursuers or Complainers, shall find caution as, aforesaid for the payment of such subsequent costs as may eventually be awarded against them.

67.

Like summary Suit or Complaint competent in Trusts.

And be it Enacted, That it shall be lawful to the registered Electors of any Burgh having an interest, and for the Lord Advocate of Scotland for the time being to prosecute in the manner hereinbefore authorized and directed the like summary suits or complaints in regard to any penalty, wrong, abuse, malversation or mismanagement in relation to any trust property or trust, held or administered by the Magistrates and Council, or a majority of the Magistrates and Council, of any such Burgh.

68.

Exclusive privileges abolished.

AND whereas in many Burghs various immunities and exclusive privileges have been conferred or acquired by Act of Parliament, Charter, Seal of Cause, usage or otherwise, whereby persons not being Freemen of Merchant or other Guilds, crafts or incorporated trades, or exclusive corporations within such Burghs, have been prohibited and prevented and excluded from dealing in trade or merchandize, or exercising crafts, callings, trades or occupations within such Burghs for gain, sale, hire or payment; BE it Enacted, That after the *passing of this Act* it shall be lawful for any person within any Burgh to practise or deal in any lawful trade or merchandize, and to exercise and carry on any lawful craft, calling, trade or occupation for gain, sale, hire or payment or otherwise; any law, statute, charter, seal of cause, usage or other right or authority to the contrary notwithstanding.

AND

69.

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Recital of
Acts for
amending
Friendly
Societies
Acts.

10 Geo. 4,
c. 56.

4 & 5 Will. 1,
c. 40.

Corporations
may continue
or be re-
solved into
Friendly
Societies.

70.

Corporations
to meet and
decide
whether they
are to con-
tinue or form
Friendly
Societies.

71.

If Corpo-
rations be
continued,
Rules may be
made as the
changes may
require.

AND whereas the abolition of the exclusive privileges of the Mer-
chant or other Guilds, crafts, incorporated trades or other exclusive
corporations in Burghs may render the continuation of such incorpo-
rated bodies unnecessary, and provision ought to be made for the
5 future management of the property and funds of such incorporated
bodies, and for security of the legal claims of the members of such
bodies and others upon such property and funds: AND whereas
an Act was passed in the tenth year of the reign of his late Majesty
King GEORGE the Fourth, intituled, "An Act to consolidate and amend
10 the Laws relating to Friendly Societies," and another Act was passed
in the fourth and fifth year of the reign of His present Majesty,
intituled, "An Act to amend an Act of the tenth Year of his late
Majesty King GEORGE the Fourth, to consolidate and amend the
Laws relating to Friendly Societies;" BE it Enacted, That it shall
15 and may be lawful for the persons who shall be Members or Freemen
of any such Corporation at the *passing of this Act*, to resolve as
hereinafter mentioned, either that such Corporation shall be continued
under the existing constitution thereof, modified as circumstances may
require, or that the Members or Freemen thereof shall thereafter be
20 and become Members of a Friendly Society, in the sense and meaning
and with and under the powers, privileges and authorities, restrictions,
conditions and limitations contained in the said two last recited Acts
or either of them, which shall be deemed and taken to apply to the
purposes of such Corporations.

And be it Enacted, That the Clerk, Deacon or Convener usually
acting in the affairs of any such Corporation, shall, within *Three*
Months after the *passing of this Act*, call a Meeting of such Corpora-
tion, by written or printed Notice sent to every Member *Fourteen* Days
at least before such Meeting, for the purpose (which shall be expressed
30 in the Notice) of taking into consideration and determining whether
such Corporation shall continue under the constitution, rules or
regulations under which the same has heretofore subsisted, or shall
be formed into a Friendly Society under the provisions of the
said two last recited Acts; and the Members of such Corporations
35 shall decide thereupon accordingly, and it shall be held that such Cor-
poration shall be continued under the existing constitution, unless a
majority of *Two-thirds* in number of the Members thereof present at
such Meeting, or at any subsequent Meeting of such Corporation,
convened in manner aforesaid, at intervals of not less than *One* Year,
40 shall decide that a Friendly Society shall be formed as aforesaid.

And be it Enacted, That if such Corporation shall be continued,
it shall be lawful for the members thereof to make and insti-
tute such new Rules, Orders and Bye-laws as the change of the
circumstances of the body produced by the passing of this Act shall

271.

D

require:

require : Provided always, That it shall not be competent by any such Rule, Order or Bye-law, or by any Rule, Order or Bye-law to be established by any such Corporation forming a Friendly Society in manner herein provided, to impair or affect the right, interest or claim, present or contingent, of any person whatsoever, in or upon the property, funds, income, or revenue of any such Corporation, or to increase the fees or dues of admission into any such body, of any person in whom the right of admission is at present vested, or to whose widow, children or child, or other relative or connexion the right of admission would have accrued in case this Act had not been passed ; but without prejudice nevertheless to the members of such Corporation establishing such Orders, Rules or Bye-laws in relation to the funds thereof, and right of admission thereto, as by the majority of their body authorized by the rules thereof to act in its affairs, shall be determined in respect of all strangers, or persons hereafter to become members of such Corporation or interested therein, having no present interest in the same.

72.
Convention
of Burghs
abolished.

AND whereas in consequence of the changes which have taken place in the trade and commerce of Scotland, and in the circumstances of the Royal Burghs therein, the Convention of the Royal Burghs in use, in virtue of certain Acts of the Parliament of Scotland, to be held for the regulation of the affairs of such Burghs and other purposes, is now no longer requisite or useful ; BE it therefore Enacted, That from and after the day of the said Convention of Royal Burghs and all the powers and privileges thereof is and are hereby abolished and annulled, and no such Meetings thereof shall hereafter be held ; any law, statute, usage or custom to the contrary notwithstanding.

73.
For collection
of Funds and
payment of
Debts.

Provided always, and be it Enacted, That the said Convention may before the dissolution of the said Convention delegate to such Person or Persons as shall be appointed for that purpose full power to collect the Debts due to the said Convention, and to discharge all the Debts due by the Convention, and to dispose of any residue of Property or Funds thereof as the said Convention may direct ; and in the event of any difference or difficulty in relation to such Debts, or any account due to or by the said Convention, or the distribution of any residue that may remain, the same shall be submitted to the Sheriff of the County of Edinburgh for his guidance and direction ; and the Person or Persons to be appointed as aforesaid shall in any such difficulty be directed by the said Sheriff, who shall audit such accounts, and superintend and direct such proceedings as may be necessary ; and his decision thereon shall be final and conclusive.

74.
Application
of Penalties.

And be it Enacted, That the Penalties to be levied under this Act shall be applied towards the defraying the Municipal and other expenses of the Burgh, in which the same shall be so levied.

And

And be it Enacted, That the word "Burgh" shall be held to include City or Town; that the words "Magistrates and Council" shall be held to include their successors in office; that the words "Town Clerk" shall be held to include Town Clerk Depute; that the word "Sheriff" shall be held to include Steward and Sheriff Substitute and Steward Substitute; and that the word "Corporation" shall be held to include Merchant or other Guild, incorporated Trade, Craft or other exclusive Corporation (as the case may be), unless it be otherwise provided, or the subject-matter or context be repugnant to such construction; and no misnomer or inaccurate description of any place in any writing made in the form of any Schedule to this Act annexed shall in any way prevent or abridge the operation of this Act, provided such place shall be so designated as to be commonly understood.

75.
Meaning of
certain Words.

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And be it Enacted, That all Laws, Statutes and usages now in force in relation to any Burghs, Cities or Towns in that part of Great Britain called Scotland, in so far as inconsistent or at variance with the provisions of this Act, shall be and the same are hereby Repealed: Provided always, That the same shall in all other respects be of full force and effect.

76.
Acts inconsistent with
this Act,
repealed.

And be it Enacted, That this Act may be repealed or altered by any Act or Acts to be passed in the present Session of Parliament.

77.
Act may be
repealed.

SCHEDULE (A.)

PARLIAMENTARY BOUNDARIES to be taken.

	NUMBER of COUNCIL.	BAILIES.	PROVOST.
Aberbrothwick - - - - -	15	3	1
Aberdeen - - - - -	24	4	1
Airdrie - - - - -	15	3	1
Annan - - - - -	15	3	1
Ayr - - - - -	15	3	1
Brechin - - - - -	15	3	1
Campbeltown - - - - -	12	2	1
Cupar - - - - -	15	3	1
Dumfries - - - - -	18	3	1
Dumbarton - - - - -	15	3	1
Dunfermline - - - - -	15	3	1
Dunbar - - - - -	12	2	1
Dundee - - - - -	24	4	1
Dysart - - - - -	12	2	1
Edinburgh - - - - -	33	4	1
Elgin - - - - -	15	3	1
Forfar - - - - -	15	3	1
Falkirk - - - - -	15	3	1
Forres - - - - -	15	3	1
Glasgow - - - - -	33	4	1
Greenock - - - - -	18	3	1
Haddington - - - - -	15	3	1
Hamilton - - - - -	15	3	1
Inverness - - - - -	15	3	1
Irvine - - - - -	15	3	1
Jedburgh - - - - -	15	3	1
Kilmarnock - - - - -	18	3	1
Kirkaldy - - - - -	15	3	1
Kirkcudbright - - - - -	12	2	1
Lanark - - - - -	15	3	1
Leith - - - - -	18	3	1
Linlithgow - - - - -	12	2	1
Montrose - - - - -	15	3	1
Musselburgh - - - - -	15	3	1
Paisley - - - - -	18	3	1
Peterhead - - - - -	15	3	1
Perth - - - - -	18	3	1
Port-Glasgow - - - - -	15	3	1
Portobello - - - - -	15	3	1
Rutherglen - - - - -	15	3	1
St. Andrew's - - - - -	15	3	1
Stirling - - - - -	15	3	1
Stranraer - - - - -	15	3	1
Wick - - - - -	15	3	1
Wigton - - - - -	12	2	1

SCHEDULE (B.)

ANCIENT BOUNDARIES to be observed.

	NUMBER of COUNCIL.	BAILIES.	PROVOST.
Banff - - - - -	15	3	1
Cullen - - - - -	9	2	0
Macduff - - - - -	9	2	0
Newburgh - - - - -	9	2	0
Peebles - - - - -	12	2	1
Rothsay - - - - -	15	3	1
Selkirk - - - - -	12	2	1

SCHEDULE (C.)

PARLIAMENTARY BOUNDARIES to be taken, and Qualifications of Electors
to be £.5.

	NUMBER of COUNCIL.	BAILIES.	PROVOST.
Anstruther Easter - - - - -	9	2	0
Anstruther Wester - - - - -	9	2	0
Burntisland - - - - -	9	2	0
Crail - - - - -	9	2	0
Culross - - - - -	9	2	0
Dingwall - - - - -	9	2	0
Dornock - - - - -	9	2	0
Fortrose - - - - -	9	2	0
Inverary - - - - -	9	2	0
Inverbervie - - - - -	9	2	0
Inverkeithing - - - - -	9	2	0
Inverury - - - - -	9	2	0
Kilrenny - - - - -	9	2	0
Kintore - - - - -	9	2	0
Kinghorn - - - - -	9	2	0
Lauder - - - - -	9	2	0
Lochmaben - - - - -	9	2	0
New Galloway - - - - -	9	2	0
North Berwick - - - - -	9	2	0
Oban - - - - -	9	2	0
Pittenweem - - - - -	9	2	0
Queensferry - - - - -	9	2	0
Renfrew - - - - -	9	2	0
Sanquhar - - - - -	9	2	0
Tain - - - - -	9	2	0
Whithorn - - - - -	9	2	0

SCHEDULE (D.)

ANCIENT BOUNDARIES to be observed, and Qualification of Electors
to be £.5.

	NUMBER of COUNCIL.	BAILIES.	PROVOST.
Auchtermuchty - - - - -	9	2	0
Cromarty - - - - -	9	2	0
Earlsferry - - - - -	9	2	0
Falkland - - - - -	9	2	0
Nairn - - - - -	9	2	0

Municipal Corporations, Scotland.

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To provide for the better Regulation of
Municipal Corporations in Scotland.

*(Prepared and brought in by
Mr. Robert Stewart and the Lord Advocate.)*

Ordered, by The House of Commons, to be Printed,
18 May 1836.

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A

B I L L

[AS AMENDED BY THE COMMITTEE]

To provide for the better Regulation of Municipal Corporations in *Scotland*.

[N.B.—The Clauses marked (A.) to (I.) were added by the Committee.]

WHEREAS an Act was passed in the third year of the reign of his Majesty King GEORGE the Fourth, intituled, “An Act for regulating the mode of accounting for the common Good and Revenues of the Royal Burghs of *Scotland*:”

Preamble:

3 Geo. 4. c. 91.

5 And whereas another Act was passed in the second and third year of the reign of His present Majesty King WILLIAM the Fourth, intituled, “An Act to amend the Representation of the People in *Scotland*:”

2 & 3 Will. 4. c. 65.

10 And whereas another Act was passed in the third and fourth year of the reign of His said present Majesty, intituled, “An Act to alter and amend the Laws for the Election of the Magistrates and Councils of the Royal Burghs in *Scotland*:”

3 & 4 Will. 4. c. 76.

15 And whereas another Act was passed in the said third and fourth year of the reign of His said present Majesty, intituled, “An Act to provide for the Election of Magistrates and Councillors for the several Burghs and Towns of *Scotland* which now return or contribute to return Members to Parliament, and are not Royal Burghs:”

3 & 4 Will. 4. c. 77.

20 And whereas it is expedient to provide a remedy for the confliction of jurisdiction and inequality of burdens arising in sundry Burghs from the alteration of their Boundaries by the said recited Act of the second and third year of the reign of His present Majesty; and to alter and extend the powers now vested in Municipal Corporations in *Scotland*,

and, to provide for the better regulation and management thereof;
BE it therefore Enacted, by The KING's most Excellent MAJESTY,
 by and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled, and
 by the Authority of the same, **THAT** so much of the said first recited
 Act of the third and fourth year of the reign of His said present
 Majesty as provides that nothing in the said Act contained should
 affect or apply to the Burghs contained in the Schedule (F.) to the
 said Act annexed, but that the Election of Councillors and Magis-
 trates in such Burghs should be conducted as practised before the said
 last-mentioned Act was passed, shall be and the same is hereby
 repealed; and the Election of Councillors and Magistrates in the said
 Burghs shall hereafter proceed and be conducted in the same manner
 as by the said Act, in relation to the other Burghs therein mentioned,
 and by this Act, is prescribed and directed.

1.
 Repeal of so
 much of first
 recited Act of
 3 & 4 Will. 4.
 as excludes
 certain
 Burghs from
 the operation
 thereof.

2.
 Boundaries of
 Burghs to be
 the Parlia-
 mentary
 Boundaries
 described in
 2 & 3 Will. 4.
 c. 65.

And be it Enacted, That from and after the period when this Act shall
 come into operation, the Limits and Boundaries of each of the Burghs
 contained in the Schedules (A.) and (C.) hereunto annexed, shall be and
 be deemed and taken to be the same as the Limits and Boundaries
 thereof respectively settled and described in the said recited Act of
 the second and third year of the reign of His present Majesty, and the
 Schedule (M.) thereunto annexed, any Charter, Law or usage to the
 contrary in anywise notwithstanding; and all the rights, powers,
 privileges, exemptions, immunities, authorities and jurisdiction existing
 in each of the said Burghs respectively, shall extend equally over
 all and every part of the Limits of such Burgh; and the Magis-
 trates and Councillors of every such Burgh shall, until the same shall
 be otherwise regulated by Parliament, possess the same rights and
 powers and jurisdiction over the whole territory of the Burgh as so
 limited and bounded, and over the Inhabitants thereof, as they hereto-
 fore possessed within the Royalty or Limits of such Burgh, or may
 hereafter possess; and all subordinate and separate magistracies and
 jurisdictions therein shall thereafter cease and determine; but the
 rights, powers, authorities and jurisdiction hereby conferred shall in no
 case be exclusive of the existing authority and jurisdiction of the Sheriff
 or Justices of the Peace of the County, over the Territory within the
 Boundaries of such Burghs or Towns respectively.

3.
 Parts of
 Burghs dis-
 joined an-
 nexed to
 Counties.

And be it Enacted, That the part of the Royalty or extended Royalty
 of any Burgh which may under the provisions of this Act be separated
 from such Burgh, shall thenceforward be and be taken to be a portion
 of the County wherein such part is locally situated; and the Juris-
 diction of the Magistrates of such Burgh over such part shall there-
 upon cease and determine.

And

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4.
Certain
Burghs and
Places united.

And be it Enacted, That *Old Aberdeen* shall be united with *New Aberdeen*; and *Newton of Ayr* shall be united with *Ayr*; and *Maxwellton* shall be united with *Dumfries*; and *Fullarton* shall be united with *Irvine*; and the Towns, Suburbs or Places so to be united with such Burghs, shall be under the Magistrates and Councillors thereof, who shall possess equal right, power and jurisdiction, over the whole of the United Burgh and the Inhabitants thereof; and such Towns, Suburbs and Places shall have, enjoy and be subject to the same rights, powers, privileges, exemptions, immunities, authorities and jurisdiction in all respects, with the Burgh to which they are united, subject nevertheless to any regulations to be hereafter made by Parliament: Provided always, That for the purposes of this Act, the Burgh of *Maxwelltown* shall be deemed to be within the county of *Dumfries*, and subject to the Jurisdiction of the Sheriff of that county accordingly.

5.
Saving
Tenures.

Provided always, and be it Enacted, That nothing herein contained shall alter or be construed to alter the Feu or Burgage holdings or tenure of any Lands or Heritages so added or disjoined to or from any Burgh or County, but such holdings or tenure and the records of the same shall remain in all cases as heretofore.

6.
Rights of
Commony
and Servitude
preserved.

And be it Enacted, That all rights of property or commony or servitude enjoyed by the Burgesses, Proprietors or Tenants within any Burgh, Town or Place hereby united to any other Burgh, shall be preserved entire as if no such union had taken place; and any of the Bailies of the united Burgh shall be entitled to give sasine in property held burgage, in all parts of such united Burgh as Bailies in that part; and the Registers of Sasines, Reversions, &c. of the several Burghs shall remain and be kept separate as heretofore, under the charge of the several Keepers thereof respectively.

7.
Liabilities of
Territories
added.

And be it Enacted, That after the addition or union of any Territory to or with any Burgh, or any County respectively, the Territory added or united to such Burgh shall cease to be liable for the taxes, rates, duties or assessments of the County from which it was disjoined, and the Territory added to such County shall cease to be liable for the rates, duties, customs or imposts of the Burgh from which it was disjoined; and such Territories added or united to such Burgh or such County shall thenceforth be subject and liable only to the taxes, rates, duties, customs or imposts legally exigible, or which shall become legally exigible in or from such Burgh or County to which they are so added respectively; but such Territory added or united to any Burgh shall not be liable for any debts or interest thereon, or arrears of taxes, rates, duties, customs or imposts due by such Burgh; and such Territory added to any County shall not be liable for any debts or arrears of taxes, rates, duties, customs or imposts due by such County; but such Terri-

tories so to be added or united to such Burgh or County respectively shall remain liable for their proportion of any arrears, debts or obligations to which the same was liable in respect of the County or Burgh from which it was separated, before its separation from such Burgh or County respectively.

5

8.

CLAUSE (A.)
Land used for
Agriculture,
&c. free from
Burgh Rates.

Provided always, and be it Enacted, That no Territory added to any Burgh which shall consist of Lands used for agricultural purposes, or for Pasture, or as Nurseries or Sale Gardens, shall be subject or liable to the taxes, rates, duties, customs or imposts exigible in such Burgh; but in such cases shall remain subject and liable to the taxes, rates and duties of the County from which such Territory was for municipal purposes separated and united to such Burgh; and nothing herein contained shall alter or vary or be construed to alter or vary any Parochial Rates, Assessments or Duties to which any part of a Burgh or County so added to or separated from any Burgh or County respectively is at present subject or liable: Provided always, That nothing herein contained shall prevent or be construed to prevent the Trustees under any Turnpike Act from continuing any Gate or Bar placed upon any road, street or way, under the authority of any such Act, or from levying thereat the rates, tolls or duties by such Act authorized to be taken: Provided always, That if any Burgh united as aforesaid shall be possessed of separate Property or Funds independent of yearly taxes, rates, duties or assessments, such separate Property or Funds, or the produce thereof, shall be administered by the Magistrates of the United Burgh, for the behoof and benefit of the Burgh to which the same belonged previous to such union.

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Parochial
Rates and
Duties not to
be altered.

Turnpike
Gates to be
continued.

Separate Pro-
perty of
United Burgh
to be adminis-
tered for their
behoof.

9.

Dispute as to
Liabilities,
how to be
settled.

Provided always, and be it Enacted, That if any difference shall arise respecting the liability of the Territories added or united to any Burgh or County respectively for or in respect of any taxes, rates, duties, customs or imposts, or any arrears thereof, or any debt or obligation, the same shall be referred to the decision of the Sheriff of the County, who, upon notice of Ten Days from the party appealing to the party appealed against, shall proceed to decide the same in a summary manner on hearing parties *vis à voce*, and without written pleadings, unless the Sheriff shall see cause to order the same, in which case the cause shall be conducted according to the ordinary forms of that Court; and the decision of the Sheriff shall be final, unless complained of within One Month from the date thereof, by Petition to the Lord Ordinary on the Bills, whose judgment shall be final, and not subject to review.

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10.

Number and
Description of
Magistrates
and Council-
lors.

And be it Enacted, That at the first Elections of Councillors and Magistrates to take place in terms of this Act, the number of persons to be elected as Councillors, and the proportion of such Councillors

to

to be elected Magistrates respectively for each of the several Burghs contained in the Schedules (A.), (B.), (C.) and (D.), shall be the numbers mentioned in conjunction with the names of such Burghs respectively in the said Schedules.

- 5 And be it Enacted, That in each of the Burghs contained in the said Schedule (A.) the Electors contained in the list appointed to be made up and kept by the said recited Act of the second and third year of the reign of His present Majesty of Persons entitled to vote for the return of a Member to Parliament, shall hereafter be the
- 10 Persons qualified and entitled to vote for the election of Councillors in the Burghs contained in the said Schedule (A.); and such Electors shall on the First Tuesday of November next, being the day appointed for the annual Election of Councillors for each such Burgh, assemble in the manner directed by the said first recited Act of the third and
- 15 fourth year of the reign of His said present Majesty, and elect in the manner thereby prescribed, and from among the persons thereby declared qualified to be Councillors, the whole number of the Council hereby appointed to be the Council of each such Burgh respectively; and such Meeting shall be held, and such Election shall proceed in
- 20 all respects in the manner directed by the said last-mentioned Act; and so much of the said last-mentioned Act as provides that Councillors shall be Burgesses before induction, shall be and the same is hereby repealed.

11.
Number and
description
of Magistrates
and Council-
lors in Burghs
in Schedule
(A.)

- And be it Enacted, That the Councillors so elected shall on the Third
- 25 lawful day after their election as aforesaid, assemble, as by the said last-mentioned Act directed and prescribed, and choose such number and description of Magistrates as by the said Schedule (A.) hereunto annexed is indicated and pointed out, for each such Burgh, and also the other usual and ordinary Office-bearers of the Burgh, and the
- 30 Managers of any charitable or other public institution vested in the Magistrates and Town Council of such Burgh.

12.
Election of
Provost and
Magistrates.

- And be it Enacted, That in each of the several Burghs contained in the Schedules (B.) and (D.) hereunto annexed, the limits and boundaries shall remain as heretofore; and the right of electing Councillors in the
- 35 Burghs in the said Schedule (B.) shall be in all the persons who are, by virtue of the said first recited Act of the third and fourth year of the reign of His present Majesty, qualified to vote in the election of the Councils of Royal Burghs in *Scotland*; and such Persons shall give in their claims, and the proceedings thereupon, and the enrolment in the
- 40 List or Roll of Electors, and the keeping and making up of the said Lists of the Election of Councillors and Magistrates, and Public Officers in the Burghs contained in the said Schedule (B.), shall be and take place in all respects in the manner prescribed and directed by the said last-mentioned Act.

13.
Number and
Description of
Magistrates
and Council
in Schedules
(B.) and (D.)

14.
Magistrates
and Council,
and Right of
Election in
Schedules
(C.) and (D.)

And be it Enacted, That in the several Burghs contained in the Schedules (C.) and (D.) hereunto annexed, the right of electing Magistrates and Councillors in such Burghs shall be in all such persons, and in such persons only, not subject to any legal incapacity, who shall, on or before the Twentieth day of September in this present year, before which day his claim for registration shall as hereinafter directed be made, be in the occupancy, either as proprietor, tenant or life-renter, of any house, warehouse, counting-house, shop or other building within the limits as hereinbefore provided of such Burgh, which either separately or jointly with any other house, counting-house, shop or other buildings within such Burgh, or with any land owned and occupied by him or occupied under the same landlord, and also situated within such Burgh, be of the yearly value of not less than Five Pounds: Provided always, That no Person shall be entitled to be registered or to vote in the present or any future year, unless he shall have resided for Six calendar Months next previous to the last day of August in the present, or the last day of July in any future year, within such Burgh, or within Seven Statute Miles of some part thereof: Provided also, That Persons so resident shall be entitled to be registered and to vote, if they are the true owners of such premises as are hereinbefore mentioned within such Burgh, of the yearly value of not less than Five Pounds, although they should not occupy any premises within the same, or the premises actually occupied by them should be of less yearly value than Five Pounds; and that the husband of such owners shall be entitled to vote either in the lifetime of their wives or after their death if then holding such property by the courtesy of *Scotland*: Provided further, That no Person shall be entitled to be registered, or to vote in the election of Councillors, who shall have been in the receipt of Parochial Relief within Twelve calendar Months next previous to the last day of August in the year One thousand eight hundred and Thirty-six, or next previous to the last day of July in any succeeding year.

15.
Claims to vote
by Electors in
Burghs in
Schedules
(C.) and (D.),
how to be
made.

And be it Enacted, That all claims to vote for Councillors by persons qualified as Electors, as last herein described, in the Burghs contained in the said Schedules (C.) and (D.) hereunto annexed, and the proceedings thereupon, and the enrolment in the list or roll of Electors, and the keeping and making up of the said lists, and the Election of Councillors and Magistrates in the Burghs contained in the said Schedules (C.) and (D.) shall be made and proceeded in, in all respects, in the manner prescribed and directed by the said first recited Act of the third and fourth year of the reign of His present Majesty.

16.
When Elec-
tions in
Burghs com-
pleted, former
Magistrates
to go out of
office.

And be it Enacted, That upon the completion of such Election of Councillors, Magistrates and Office-bearers so to be made in each such Burgh respectively, and not sooner, the Provost, Magistrates, Councillors

Councillors and Office-bearers now in office therein, and other persons in the employment of such Burgh not holding their offices permanently or *ad vitam, aut culpam*, shall go out, and their whole powers, duties and functions shall cease and determine, except only where any one or more of such persons shall have been again elected under the provisions of this Act.

And be it Enacted, That if, through alteration of the circumstances of any Burgh, it shall become necessary and proper that the number of Councillors and Magistrates in such Burgh should be increased, it shall be lawful for His Majesty, His heirs and successors, with the advice of His Privy Council, by warrant under His Sign Manual, to increase the number of Magistrates and Councillors in such Burgh as shall be thought fit; and such Warrant shall be notified in the Gazette, and the number of Magistrates and Council appointed by such Warrant shall be the number of the Magistrates and Council of such Burgh, in such and the like manner as if the same had been specified and declared in this Act.

17.
His Majesty
in Council
may appoint
additional
Magistrates.

And be it Enacted, That the said first recited Act of the third and fourth year of the reign of His present Majesty, and all the powers, provisions, exemptions, penalties, forfeitures, payments, matters and things therein contained (save and except such parts thereof as are hereby varied, altered or repealed,) shall, as far as the same are applicable, apply to the Election of the Magistrates and Council of the Burghs contained in the said Schedules (A.), (B.), (C.) and (D.) hereunto annexed, and to this Act, and shall be as good, valid and effectual for carrying this Act into execution, as if the same had been re-enacted in the body of this Act.

18.
First recited
Act of the
3d & 4th of His
Majesty ap-
plied to this
Act.

And be it Enacted, That in all cases of equality of Votes at the Election of Magistrates or other officers in any Burgh, the casting Vote shall be given by the Member of Council who shall stand first on the List of Councillors, and who shall have such casting Vote over and above the deliberative Vote of such Member of Council.

19.
Member of
Council at
head of List
to have
Casting Vote.

And be it Enacted, That in the absence of the Provost or the Chief or Senior Magistrate, at any Meeting of the Magistrates and Council of any Burgh, the Bailie, and failing the Bailies, the Councillor then present who shall have been longest in the Magistracy or Council, shall be entitled to act in the place of such absent Provost or Chief or Senior Magistrate, with all the powers and privileges belonging, or which belonged or were competent to such Provost or Chief or Senior Magistrate; and at all such Meetings the Provost or Chief or Senior Magistrate or other person officiating for him shall in cases of equality over and above a deliberative Vote have a casting Vote.

20.
In Chief
Magistrate's
absence,
Senior Bailie
or Councillor
to act.

And be it Enacted, That no Person in any Burgh who is directly or indirectly by himself or any partner concerned or interested in or

21.
Persons hold-
ing Contracts,
&c. not eli-

gible as Coun-
cillors.

under any Contract with, by or on behalf of such Burgh, or to which such Burgh is a party, or who holds directly or indirectly by himself or any partner any place of profit, office or employment under or in the appointment of the Magistrates and Council of such Burgh, shall be capable of being elected, or of acting as a Councillor thereof, while he shall hold such place of profit, office or employment, or during the subsistence of such contract, or while any claim arising out of the same shall be unsettled; nor shall any Councillor or Magistrate be capable of being elected to any such place of profit, office or employment until One Year after he shall cease to be a Councillor or Magistrate: Provided, That no person shall be disqualified from being a Councillor by reason of his being a proprietor or shareholder of any Company which may contract for the lighting or supplying with water or insuring against fire such Burgh or any part thereof.

22.
Election to
supply va-
cancy of
Magistrate or
Councillor.

And be it Enacted, That if any Vacancy shall occur in the office of Magistrate or Councillor for any Burgh between the periods of the annual Elections, the Electors entitled to vote shall, on a day to be fixed by the Provost or Chief Magistrate acting for the time, such day being not sooner than Six or later than Ten Days after such Vacancy, elect from the persons qualified to be a Magistrate or Councillor another person to supply such vacancy, and such Election shall be held, and the voting and other proceedings, in case of a competition and contest, shall be conducted in the same manner and subject to the like provisions as are prescribed by the said first recited Act of the third and fourth year of the reign of His present Majesty and by this Act, with respect to the Election of such Magistrates and Council respectively; and every person so elected shall hold office until the time at which the person in room of whom he was chosen would regularly have gone out of office, and he shall then go out of office, but shall be capable of immediate re-election if then duly qualified.

23.
Magistrates
and Council
may appoint
Committees.

And be it Enacted, That it shall be lawful for the Magistrates and Council of any Burgh to appoint out of their own body from time to time such and so many Committees, either of a general or special nature, and consisting of such number of persons as they may think fit, for any purposes which it may appear to the Magistrates and Council would be better managed by means of such Committees: Provided always, That the acts of every such Committee shall be subject to the approval of the Magistrates and Council, unless such Committee shall have been authorized in cases of emergency to act without such approval; and in every such case the act of such Committee shall be specially reported to the next meeting of Council.

24.
Appointment
of Town
Clerks and
other Officers.

And be it Enacted, That after the Elections of Councillors and Magistrates shall be completed under the provisions of this Act, it shall be lawful for the Magistrates and Council to elect or appoint a Town Clerk

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Clerk in each Burgh respectively, and also such other Officers or
 Servants as are usual and necessary for such Burgh, and the Town
 Clerks to be appointed shall hold their offices during pleasure, and
 the other Officers or Servants shall be appointed for One Year or
 5 during pleasure, as the said Magistrates and Councils of such Burghs
 shall think fit: Provided always, That the Town Clerk and Treasurer
 shall not be the same person, and that the present or future Town
 Clerks and other Servants or Officers of any such Burgh shall in all
 cases be re-eligible; and if in any case it be necessary or advisable that
 10 the appointment of any Officer of any Burgh, except the appointments
 by this Act otherwise regulated, should be for life or for a term of years,
 it shall not be competent to elect or appoint any Officer to such
 vacancy until the expiration of Three Months after the vacancy shall
 have occurred, and unless notice of the intention to hold the Meeting
 15 at which the election or appointment is to be made shall have been
 given Ten Days previous to such Meeting, by affixing a printed or
 written intimation of such Meeting, and the purpose for which it is
 called, within the Town Clerk's Office; and upon the walls of the
 Council Chamber, Town Hall or Court House and other conspicuous
 20 public places within the Burgh; but without prejudice to the Magis-
 trates and Council appointing a person to do the duties of such office
 from the time the vacancy takes place till the election or appoint-
 ment shall be completed.

And be it Enacted, That every Officer of any Burgh who shall be in
 25 any office of profit at the time of the passing of this Act, whose office
 shall be abolished, or who shall be removed from his office under the
 provisions of this Act, or who shall not be re-appointed as aforesaid,
 shall be entitled to have an adequate Compensation, to be assessed by
 the Magistrates and Council, and paid out of the funds of the Burgh,
 30 for the salary, fees and emoluments of the office which he shall so
 cease to hold, regard being had to the manner of his appointment to
 the said office, and his term or interest therein, and all other circum-
 stances of the case; and every Person entitled to such Compensation
 as aforesaid shall deliver to the Town Clerk, or in case such Person
 35 shall himself be Town Clerk, then to the Chief Magistrate of the
 Burgh, a Statement under the hand of such Person, setting forth the
 amount received by him or his predecessors in every year during the
 period of Five Years next before the passing of this Act, on account of
 the salary, fees, emoluments profits and perquisites, in respect where-
 40 of he shall claim such Compensation, distinguishing the office, place,
 situation, employment or appointment in respect whereof the same shall
 have been received, and containing a Declaration that the same is a
 true statement according to the best of the knowledge, information and
 belief of such Person, and also setting forth the sum claimed by him
 as such Compensation; and the Town Clerk or Chief Magistrate, as
 the case may be, shall lay such Statement before the Magistrates and

25.
 Officers to
 receive Com-
 pensation on
 Removal.

Council, who shall take the same into consideration and determine thereon; and immediately upon such determination being made, the Person preferring such claim, if he shall not himself be the Town Clerk, shall be informed thereof by notice in writing under the hand of the Town Clerk; and in case such claim shall be admitted in part and disallowed in part, such notice shall specify the particulars in which the same shall have been admitted and disallowed respectively; and in case the Person preferring such claim shall think himself aggrieved by the determination of the Council thereon, or in case One-third of the Members of the Magistrates and Council shall subscribe a Protest against the amount of Compensation allowed by the determination of the Magistrates and Council as excessive, it shall be lawful for the Person preferring such claim, or any Member of the Council who shall subscribe such Protest, to appeal to the Lords Commissioners of His Majesty's Treasury, who shall thereupon make such order as to them shall seem just; and such order, signed by Three or more of such Lords Commissioners shall be binding on all Parties: Provided always, That if the Magistrates and Council shall not determine on such claim within Six calendar Months after the aforesaid Statement shall be delivered to the Town Clerk or Chief Magistrate, as the case shall be, such claim shall be considered as admitted: Provided also, That it shall not be lawful for any of the Magistrates or Council to subscribe such Protest as aforesaid except within such period of Six calendar Months: Provided further, That the Person preferring such claim, if any of the Magistrates or Council shall so require, upon receiving notice in writing, signed by the Town Clerk, unless such Person shall himself be Town Clerk, in which case no such notice shall be requisite, shall from time to time attend at any meeting or adjourned meeting of the Magistrates and Council for the investigation of such claim; and then and thereupon his oath or solemn affirmation to be taken or made before the Provost or Chief Magistrate (who is hereby authorized to administer the same), shall answer all such questions as shall be asked by any of the Magistrates and Council touching the matters set forth in the Statement subscribed by such Person as aforesaid, and produce all books, papers and writings in his possession, custody or power relating thereto: Provided also, That every such Officer who shall be continued in or re-appointed to such office under the provisions of this Act, and who shall be subsequently removed from such office for any cause other than such misconduct as would warrant removal from any office held during good behaviour, shall be entitled to compensation in like manner as if he had been forthwith removed under the provisions of this Act, and had not been continued in or re-appointed to such office.

26.

Compensation, how to be payable and secured.

And be it Enacted, That the sum payable to any Person as such Compensation as aforesaid, shall be payable out of the common good, means, property or estate of the said Burgh, or the income or revenue of

of the same, or out of the assessments hereby authorized to be raised, and shall be secured to such Person by bond or obligation in due and competent form, under the common seal of the Burgh out of whose funds the same is payable; and such bond or obligation shall be prepared at the expense of the said Burgh, and as soon as conveniently may be after the amount of such Compensation shall have been ascertained and fixed as aforesaid.

AND whereas by the said first recited Act of the third and fourth year of the reign of His present Majesty, it was provided, That the Burghs of *Edinburgh, Glasgow, Aberdeen, Dundee, Perth, Dunfermline, Dumfries and Inverness*, should be divided into Wards or Districts, by the Commissioners named and appointed by His Majesty to inquire into and report upon the condition of the several Burghs and Towns of *Scotland*, by virtue of a Commission dated on the Fifteenth day of July One thousand eight hundred and Thirty-three; and by the said second recited Act of His said present Majesty it was provided, that the Burghs or Towns of *Paisley, Greenock, Leith and Kilmarnock* should in like manner be divided into Wards or Districts by the said Commissioners, and the said Burghs and Towns were accordingly divided into Wards in terms of the said recited Acts: And whereas it may be necessary, in consequence of the change of the boundaries or limits by this Act, that the Wards into which the said Burghs and Towns were divided should be altered or modified in number and boundary or otherwise; BE it therefore Enacted, That the persons appointed Commissioners under His Majesty's said Commission, now surviving, namely, *John Boyd Grenshields, Thomas Thomson, Robert Bell, James Campbell, Robert Graeme, John Cunningham, James Ivory, Robert Hunter, Cosmo Innes and Robert Handyside*, or the survivors of them, or any Three or more of them, shall be and they are hereby authorized and empowered and required within Three Months after the passing of this Act, to alter, increase and modify as may be necessary, in all or any of the said Burghs or Towns, the Wards or Districts into which the same are or is divided; and also the number of Councillors to be chosen by each such Ward or District, and in so doing the said Commissioners shall have regard to the directions contained in the said two recited Acts of the third and fourth years of the reign of His said present Majesty in relation to the division of Burghs into Wards, and the numbers of Councillors to be elected by such Wards; and the said Commissioners shall upon the alterations of the divisions of such Wards and Districts being so completed, report the same to His Majesty's Privy Council, who shall cause such report to be published by Royal Proclamation in the Gazette; and the number of limits of such Wards or Districts, and the number of Councillors to be elected by each such Ward or District being so fixed, reported and published, shall be held and taken to be

27.
Wards may
be altered.

a part of this Act in the same manner and to the same effect as if the same were herein particularly set forth and enacted.

28.
Account of
Property
of Burgh
to be made
before Oct. 1.

And be it Enacted, That the respective Town Clerks of every such Burgh, shall on or before the First day of October in this present year prepare a distinct Statement, in the form of a Stock Account, of all the Property, heritable and moveable, belonging to the Burgh, and of the Revenue from whatever source derived and of every description belonging to such Burgh; and also of all the Debts, heritable or moveable, and of every annuity or permanent or usual annual or other out-going of every description due and payable by the said Burgh.

29.
State to be
made up of
the Income,
&c. to be col-
lected.

And be it Enacted, That the respective Town Clerks of every such Burgh shall at the term of Lammas in all future years make up a complete State of the Annual Income or Revenue of such Burgh, arranging and distinguishing the different sources from which such Income or Revenue is derived, under the heads of Rents, Feu Duties, Customs, produce of Assessments and the like, completing such enumeration; and which State shall within Fourteen Days of the said term of Lammas annually be revised and audited by a Committee of the Council to be appointed for that purpose, and if found to be correct, shall be certified by such Committee accordingly; and shall thereupon be regularly entered by the Clerk in some proper account book of the said Burgh, and an extract or copy thereof, certified by the Town Clerk, shall be furnished by him to the Chamberlain or Treasurer, as his authority for collecting the income or revenue of the Burgh as set forth in such State.

30.
Books to be
kept by
Chamberlain,
&c.

And be it Enacted, That the respective Chamberlains or Treasurers of every such Burgh shall keep a regular Cash Book and Ledger, in which shall be entered all the receipts and disbursements of the Burgh Funds which shall in any wise come to be paid to or by such Chamberlain or Treasurer; and such Cash Book shall be examined, revised and docqueted half-yearly, by a Committee of the Council appointed for that purpose, and such Cash Book and Ledger shall form a part of the Burgh Records.

31.
Chamberlain
to make up
Accounts
annually.

And be it Enacted, That the respective Chamberlains or Treasurers of such Burghs shall, within One Month after the said term of Lammas yearly, make up a full and articulate Account of his intromissions during the year preceding the said term, in which shall be set forth the whole receipts and disbursements of the Chamberlain or Treasurer, with the Funds of every description of the said Burgh; and such receipts and disbursements shall, as far as shall be practicable, be set forth under the different heads or branches of receipt or expenditure

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diture to which they properly belong; and the said Account shall on or before the Fifteenth day of September in each year, be carefully examined with the vouchers thereof, and audited and docqueted, and signed by a Committee of the said Council appointed for that purpose; and no account shall be held to be finally closed unless so audited and docqueted and signed.

And be it Enacted, That after the Chamberlain or Treasurer's Account shall have been so made up and docqueted, the respective Town Clerks of each such Burgh shall on or before the First day of October in all future years prepare a complete State, exhibiting the common good or property of the Burgh, heritable or moveable, together with the amount of all sums received on account of the Burgh, as loans, prices of property of any description, or for the purchase of any annuity, or any grassum, or other consideration of whatever kind; and all the debts due to the Burgh, also its whole income or revenue, from whatever sources derived, and classed under the several appropriate or distinctive heads or classes to which the different branches of revenue properly belong, and showing the amount of each branch, and how much thereof has been received, and how much is in arrear, and how long such arrears have been outstanding, and also setting forth what abatements, if any, have been allowed, and on what account; also all debts due by the Burgh, and all incumbrances, and cautionary and other obligations to which it is subject and liable, showing the date at which any such debt was incurred, or such obligation undertaken or entered into, and all sums paid on account of the Burgh, and due or owing by the Burgh for the year which such State comprehends; and such State shall be examined, audited and docqueted by a Committee of the Council, and shall be subscribed by the Chief Magistrate and Town Clerk, and shall be preserved as a part of the Burgh Records.

32.
General State of the Property of the Burgh to be made up annually by Town Clerks.

And be it Enacted, That the respective Town Clerks of every such Burgh shall on or before the Tenth day of October in all future years prepare an Abstract of the State last hereinbefore directed to be made out, containing all necessary particulars, and exhibiting the general result of such statement and the condition of the affairs of the Burgh; and in all cases in which the annual revenue of the Burgh shall be not less than One hundred Pounds, the Town Clerk shall cause such Abstract to be printed, and shall deliver the same at his Office gratis to every Elector of such Burgh who shall demand it; and where the annual revenue of the Burgh shall be less than One hundred Pounds, such Abstract shall be prepared, and a written Copy shall lie at the Town Clerk's Office for the examination of any Elector who shall require to see the same.

33.
Abstract of affairs of Burgh to be printed and distributed gratis.

And be it Enacted, That for One Month succeeding the said Tenth day of October in each year, all the accounts hereby directed to be

34.
Accounts and Vouchers to be exhibited gratis for One Month.

kept or prepared, and States, abstract and vouchers of the accounts of the Burgh, shall be exhibited gratis at the Office of the Town Clerk, at any hour between Eleven and Three to any Elector who shall demand to see the same; and such States and accounts shall also at all other times within the hours aforesaid be exhibited to any Elector demanding to see the same, on payment of a fee of not more than Two Shillings and Sixpence per hour to the Clerk attending him in making the inspection. 5

35.
Penalty on
failure to keep
Accounts, &c.

And be it Enacted, That if any Town Clerk, Chamberlain or Treasurer shall fail or neglect to prepare, furnish, exhibit or publish any Statement, Account or Abstract, or to keep any Book or Books which such Town Clerk, Chamberlain or Treasurer is hereinbefore required to do, or shall otherwise fail or neglect to comply with the directions of this Act, in relation to the property, debts, revenue and affairs of such Burgh, such Town Clerk, Chamberlain or Treasurer shall for every such offence committed by him forfeit and pay a sum not less than Fifty Pounds, besides being liable for any loss or damage that may be occasioned by such neglect or failure. 10 15

36.
Separate
Books and
Accounts, &c.
of Trusts to
be kept.

And be it Enacted, That separate Books and Accounts of all Trusts, mortifications and endowments, of which the Magistrates and Council of any Burgh shall be the Trustees or Managers, or which shall in anywise be committed to their charge, or where the Magistrates and Councillors form a majority of the Trustees, shall be kept, showing the property, revenue and expenditure of the Trust. 20

37.
Trust Books
to be balanced,
and state of
Fund to be
made up
annually.

And be it Enacted, That such separate Trust Books shall be brought to a balance within Fourteen Days after the term of Lammas in each year; and before the First day of October annually, a State of the Trust property shall be prepared by the Town Clerk or other Person having the charge of the Books and Accounts of the Trust, exhibiting as nearly as may be the several particulars hereinbefore directed to be contained in the State of the property of the several Burghs required to be prepared by the respective Town Clerks before the First day of October annually; and if the Trusts shall be for purposes of education or charity, the State shall set forth the manner in which the estate has been administered and applied, and the names of all the parties who have participated in the proceeds thereof during the preceding year; and in cases where the annual income exceeds One hundred Pounds, an Abstract shall be prepared, published and exhibited in the same manner as is prescribed in regard to the Abstract of the state of the affairs of the Burgh; and the Books and Accounts of the Trust shall be open for inspection, and for the like time as hereinbefore provided in regard to the Books and Accounts of the Burgh; and the Town Clerk or other Officer in charge of the Books and Accounts of the Trust, shall for any failure or neglect in performance of the duties hereby 25 30 35 40

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hereby imposed upon him, be subject and liable to a penalty of not less than Fifty Pounds.

And be it Enacted, That where any Trust Fund is vested in the names of any Magistrates or Councillors, or in the name of any individual Magistrate or Councillor, such Magistrates or Magistrate, Councillors or Councillor shall, upon being required so to do, subscribe a Declaration of Trust in the Council Books of the Burgh in relation to such Trust Fund, and declaring the purposes and conditions for and on which they or he hold or holds the same.

38.
Magistrates
to make De-
claration of
Trusts.

And be it Enacted, That within Twelve Months after the passing of this Act, and once at least in every Ten Years thereafter, the Magistrates and Council of every Burgh shall cause the whole property of the Burgh lands, heritages and moveable property of every description to be valued by skilful persons, whose estimation thereof shall be formed upon the worth of such property, at the time and according to the price which it would then bring in the market if sold, and without reference to any prospective or contingent value not influencing such property at the time; and the valutors employed shall make up a State of the value of all such properties under distinct and appropriate heads, and such State shall be entered in the Council Books of the Burgh by the Town Clerk thereof within One Month after such valuation shall have been made; and if the Magistrates and Councillors in office, when such valuation is required to be made, shall fail to cause the same to be made, they shall each be individually liable in a penalty of not less than Fifty Pounds; and if any Town Clerk of any Burgh shall fail to enter the same in the Council Books within the time hereinbefore prescribed, he shall be liable in a penalty of Fifty Pounds.

39.
Valuation of
Burgh Pro-
perty.

And be it Enacted, That where the property of any Burgh is now liable to be attached or adjudged, and carried off for the satisfaction of any Debt due by such Burgh, it shall be lawful for the Magistrates and Council thereof, at a Meeting to be called by Notice given Fourteen Days previous to such Meeting to each of such Magistrates and Councillors, in which the special purpose of such Meeting shall be announced, to take the nature of such Debt into consideration; and if it shall seem expedient to them so to do, to determine by Act of Council that such Debt shall be paid and satisfied, and for that purpose to sell or authorize the sale of so much of the property, heritable or moveable, of the said Burgh, as may by law be sold, and may be necessary to produce a sum adequate to the payment of such Debt, and with the produce of such sale to pay such Debt accordingly; or it shall be lawful for the said Magistrates and Council, if they shall judge it preferable, to order by Act of Council the payment of such Debt, by money to be raised upon the security of any property of the Burgh; provided that notice and publication of such sale, borrowing, and Acts of Council

40.
Property may
be sold, or
Money bor-
rowed to
pay Debt.

shall be given as is hereinafter required in relation to other sales or borrowing.

41.
Regulating
Alienation,
and borrow-
ing.

And be it Enacted, That it shall not be lawful for the Magistrates and Council of any Burgh (unless for the payment of debt as aforesaid) to sell or alienate all or any part of the Lands or Heritages belonging to the Burgh by sale or excambion, or to borrow any money upon the credit of the heritable property of the Burgh, unless previous to such alienation or borrowing, the purpose of alienating or borrowing shall have been agreed to by Two-third parts of the whole Magistrates and Council of the Burgh, by an Act of Council passed at a meeting of such Magistrates and Council, such meeting having been called by notice, specifying the object of the meeting, and such notice, printed or legibly written shall also be affixed in the Town Clerk's Office, or on the Doors of the Council Chamber, Town Hall or Court House, and other conspicuous public places within the said Burgh, for One Month at least previous to such meeting; and such Act of Council shall in like manner be affixed in the Town Clerk's Office, and on the Doors of the Council Chamber, Town Hall, Court House, and other conspicuous public places within the said Burgh as aforesaid: Provided always, That all such alienations and loans shall be null and void, unless such notice and publication shall have been so given and made.

42.
Lands not to
be alienated
for a price or
grassum;

nor Leases
granted with-
out an Act of
Council.

Provided always, and be it Enacted, That nothing herein contained shall prevent the Magistrates and Council of any Burgh from feuing or granting Building Leases of the Lands or Heritages belonging to the Burgh: Provided also, That no Lands shall be feued, and no Building Leases granted for a price in a gross sum or for a fine or grassum; but the consideration to be taken shall be in the shape of an annual feu-duty or ground-rent; and no Leases of any heritable property except Building Leases, shall be let for a longer period than Twenty-one Years, nor shall any Lease either of heritable property or of any of the revenues, customs or imposts of any Burgh be granted, unless upon the authority of a previous Act of Council, setting forth the reasons of granting the Lease, and the conditions upon which the same is to be granted; and any Feu or Lease granted otherwise than in terms of these provisions shall be null and void.

43.
Alienations to
be by Public
Auction.

And be it Enacted, That no alienation of the heritable property of any Burgh by sale, feuing or leasing (excepting Leases of agricultural subjects) shall take place otherwise than by public auction, and no Magistrate or Councillor of any Burgh, or any public officer or servant of any Burgh, shall be capable of becoming the purchaser, or feuer or tacksman of any such property, revenues, customs or imposts; and every disposition, feu right, or tack of any such property sold, feued or let by private transaction, or otherwise than by public

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public auction, or to any Magistrate, Councillor or public officer, shall be null and void.

And be it Enacted, That no Work, Improvement or Undertaking, the Cost of which shall exceed Fifty Pounds, shall be executed
 5 unless the same shall have been agreed to and sanctioned by an Act of Council passed at a meeting specially called for the consideration thereof in the manner hereinbefore directed; and the execution of every such Work, Improvement or Undertaking, where the estimated expense thereof shall exceed Fifty Pounds, shall be by Contract,
 10 and after intimation by notices affixed in the Town Clerk's Office, and on the Door of the Council Chamber, Town Hall or Court House, and other conspicuous public places, inviting Contractors to offer for the same; and the Contract shall be approved of by the Magistrates and Council of the Burgh by Act of Council; and no Magistrate, or
 15 Councillor, or officer, or servant of the Burgh, shall be capable of becoming a Contractor for the execution of such work, improvement or undertaking, or of becoming a Contractor in any Contract with the Burgh.

44.
Public Works
to be executed
by Contract.

AND whereas it is expedient that the powers and jurisdiction now
 20 vested in the Trustees or Commissioners under various Acts of Parliament for paving, lighting, cleansing, watching, regulating the police of, supplying with water, and improving certain Burghs, or parts thereof, should be transferred to and vested in the Magistrates and Council of such Burghs respectively; BE it Enacted, That if at any Meeting of
 25 such Trustees or Commissioners, called for the special purpose of considering the expediency of so transferring such powers on Fourteen Days' Notice, it shall be determined by a majority of such Trustees or Commissioners, that such transference ought to be made, then and in that case it shall be lawful for the Trustees or Commissioners under
 30 any such last-mentioned Acts, and they are hereby authorized and empowered to transfer and convey by a Minute, to be duly executed by a majority of such Trustees or Commissioners, all the powers vested in such Trustees or Commissioners by any such Act or Acts of Parliament as aforesaid, and all the property, heritable and moveable, and all
 35 debts, obligations and arrears of Rates due to such Trustees or Commissioners, for the purposes of any such Act, to the Magistrates and Council of the Burgh to which such Act or Acts of Parliament relates or relate; and the Magistrates and Council of such Burgh shall thereafter be the Trustees or Commissioners for the execution of
 40 such Act or Acts of Parliament, and shall have the same powers, jurisdictions and authorities, and be subject to the same duties as if they had been originally named, or had been legally elected or appointed Trustees or Commissioners under the provisions of such Act or Acts of Parliament.

45.
Power to
transfer light-
ing and watch-
ing powers to
Magistrates
and Council.

46.

Magistrates
to hold Pro-
perty for the
purposes of
the Act.

Provided always, and be it Enacted, That the Magistrates and Council to whom any such transfer and conveyance shall be made of powers and property under any Act for paving, lighting, cleansing, watching, regulating the Police of, supplying with water, and improving any Burgh, shall hold all such property, heritable and moveable, of every description, and any money acquired under the powers of such Act, and so conveyed to them, for the ends and purposes to and for which such property or money was directed to be applied by such Act; and all such property shall be conveyed by such Trustees or Commissioners, or their Clerk, or other Person in whom the same was vested, to such Magistrates and Councilors, in such form as may be requisite; and it shall be lawful for such Magistrates and Council to recover and pursue for the same, or any such debts, obligations, and arrears as aforesaid, according to law; and such Magistrates and Council shall be bound to implement and fulfil all legal contracts, obligations, and undertakings entered into by such Trustees or Commissioners under such Act.

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47.

Vesting the
Property of
Burghs in
Magistrates
to be elected
under this
Act.

And be it Enacted, That the Common Good and Property, heritable and moveable, and Means and Revenues, and Income of every description leviabie within or belonging to any Burgh, or to which such Burgh is entitled, or which are held or administered for or in behalf of the community of such Burgh for the public ends or purposes thereof, (but subject to any liabilities to which the same are legally liable,) shall be and the same are hereby vested in the Magistrates and Council to be elected and chosen for such Burghs respectively under the provisions of this Act, with full power, right and authority to levy, adjudge, sue for and recover the same for the benefit of such Burghs respectively.

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48.

Trusts for
behalf of
Burgh vested.

And be it Enacted, That all mortifications, endowments, trusts or bequests, or trust property held or administered by the Magistrates and Council of any Burgh, or by any person or persons, body or bodies holding or administering the same in any Burgh in which before the passing of the said two recited Acts of the third and fourth year of the reign of His present Majesty there were no Magistrates and Council, for the behoof or benefit of such Burgh or the community thereof, (but subject to any liabilities to which the same are legally liable,) shall be vested in, held and administered by the Magistrates and Council to be elected and chosen for such Burghs respectively under the provisions of this Act, for, to and upon the trusts and purposes, and subject to all the conditions and provisions to, for, under and upon which the same were conveyed, granted or settled by the grantors or makers of such mortifications, endowments, trusts or bequests, with full power, right and authority to adjudge, sue for, collect, levy and recover the same for the purposes thereof respectively, and for no other purposes.

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AND

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AND whereas in many of the Burghs and Towns in *Scotland*, the common Good or other Means or Revenues of such Burghs and Towns are inadequate to defray the Expenses of the Municipal and Judicial Establishments thereof, and the Expenses attending the

5 Elections under the said two recited Acts of the third and fourth year of the reign of His present Majesty, and other Expenses thereby appointed to be paid from the common Good or other Means or Revenues of such Burghs respectively; and it is expedient that a remedy should be provided for such cases; BE it Enacted, That in

10 any Burgh in which there is no common Good, Means or Revenues applicable to the Municipal and Judicial Establishment thereof, or in which it shall appear that upon an average of the last Three Years the available annual Income or Revenue of such Burgh has been inadequate to defray the Expenses necessarily incurred by the

15 Burgh, and there are no practicable means either of sufficiently reducing the Expenses of the Burgh or increasing its Revenue or Income, it shall be lawful for the Magistrates and Council of any such Burgh to levy, as hereinafter specified, an Assessment not exceeding Sixpence in the pound upon the real Rent of all the Lands or Heritages

20 of every description situate within the limits of such Burgh; excepting always from such Assessment all Feu Duties, and also all such lands and premises as may be occupied solely for agricultural purposes, and which are now exempt from Burgh Rates; and all houses and tenements under the value of Forty Shillings of yearly rent, and all subjects occupied solely

25 for the purposes of public worship, or of charity or science or education; and such Assessment shall be payable by the Proprietor of such Lands and Heritages, where the same are occupied by such Proprietor, and where let, One-half thereof shall be payable by the Proprietor, and the other Half thereof by the Tenant; and such Assessments

30 shall be payable half yearly, at the terms of Martinmas and Whitsunday in each year.

49.
Where no
Common
Good, or where
inadequate,
Assessments
may be raised
for defraying
expense of
Burghs.

Provided always, and be it Enacted, That it shall not be lawful for the Magistrates and Council of any Burgh to impose or levy any such Assessment unless Three Months, at least, previous to the annual Election of Council, preceding the time at which it is intended to impose

35 such Assessment, a Majority of at least Two-thirds of the whole Magistrates and Council have passed an Act of Council, setting forth in detail the state of the Burgh Revenues, and exhibiting the deficiency of the Burgh Revenue, and other causes rendering such Assessment necessary,

40 the amount of the proposed Assessment, and the purposes to which the same is intended to be applied; nor unless such Magistrates and Council shall have caused a written or printed Copy of such Act of Council to be affixed within the Town Clerk's Office, and upon the walls of the Council-chamber, Town-hall, and Court-house, and other

45 conspicuous public places of such Burgh, Two Months preceding the annual Election of Councillors as aforesaid; nor unless such Act of

50.
Notice and
Act of Council
before Assessment imposed.

Council shall, after such publication thereof as aforesaid, be approved of and confirmed by a Majority of at least Two-thirds of the Magistrates and Council assembled at a meeting to be called for taking the same into consideration within One Month after the annual Election of Councillors succeeding the publication of such Notice, so that such Assessment shall before being imposed be in all cases proposed by the Magistrates and Council of one year, and be approved of by the Magistrates and Council of another year. 5

51.
Valuation of
Lands and
Heritages
liable to
Assessment.

And be it Enacted, That the Magistrates and Council of any Burgh in which such Assessment shall be imposed shall, previous to the imposition of such Assessment, and annually thereafter, cause a valuation of the Lands and Heritages liable to Assessment within such Burgh, to be made up by some public officer of such Burgh, or by an Assessor to be appointed for the purpose, which Assessor they are hereby authorized to appoint, showing the real rent of the several subjects on which such Assessment is intended to be imposed; and the Person so to be appointed to make the same, shall be entitled to the inspection and use of the rolls or lists made up for the imposition and collection of the land-tax or cess, or assessed taxes, or for the imposition and collection of any other public or local tax or burden; and such Valuation being completed, the Magistrates and Council shall, Two Months previous to the imposition of any such Assessment, cause intimation to be made by a written or printed Notice affixed in the Town Clerk's Office, and on the doors of the Council-chamber, Town-hall and Court-house and other conspicuous public places, that such Valuation and the amount of the Assessment proposed to be made on the several Lands and Heritages therein valued will be deposited on a day to be specified in the Notice, in the Town Clerk's Office, there to be open for Four Weeks for the inspection, gratis, of all concerned; and such Valuation and Assessment shall be deposited and lie open accordingly; and such Notice shall further set forth the time and place at which any party dissatisfied with such Valuation and Assessment may be heard upon an appeal therefrom to be made in manner hereinafter mentioned, such time not exceeding Seven Days after the expiration of the Four Weeks, during which the Valuation is to lie for inspection. 10 15 20 25 30 35

52.
Committee of
Appeal.

And be it Enacted, That such Magistrates and Council shall appoint a Committee of Three of their number to determine any appeal that may be made against such valuation, and it shall be lawful for any Person dissatisfied with the valuation of his or her property and proposed assessment, within such Seven Days as aforesaid, but not thereafter, and Three Days at least before the day to be appointed for hearing such appeals, to lodge with the Town Clerk of the Burgh a Note in writing stating the grounds of appeal; and whatever such Committee 40

mittee shall after hearing such appeal determine, shall be final and conclusive, and not subject to review in any manner of way.

And be it Enacted, That when such Assessment or Valuation shall be finally settled, a statement of the amount of the sums to be levied from the several persons liable for the same, signed by the person making the valuation and assessment and by the Town Clerk, shall be delivered by the Magistrates and Council to the Chamberlain or Town Treasurer of such Burgh, or other person whom the Magistrates and Council shall employ to collect such assessment, as his Warrant for collecting; and such person shall enter such state in a book to be kept by him, and shall also enter in such book a regular and distinct account of the sums to be received by him.

53.
Valuation and
Assessment to
be delivered
to Collector
as Warrant.

And be it Enacted, That where any Person rated and assessed under this Act shall refuse or neglect to pay the assessment charged upon him for the space of Ten Days next after the same shall be due and demanded by the Collector, it shall be lawful for the said Collector to apply to any Magistrate of the Burgh for a warrant to any of the Officers of the said Burgh to enter the premises, and to seize and take possession of the goods and effects of the Person assessed and refusing and neglecting as aforesaid, which warrant the said Magistrate is hereby authorized and required to grant, upon a certificate signed by the Collector or Person who made the demand, of such demand having been made, and of such Person being in arrear to the amount to be stated in the certificate; and if such assessment shall not be paid within Three Days after such seizure is made, together with charges and expenses thereby incurred, then the said Collector is hereby authorized to sell by public roup, either on the premises where the said goods were seized, or any other place, such part of such goods or effects as shall be sufficient to pay such assessment, with the expenses attending such seizure and sale, returning the surplus, if any be, to the owner; and failing the recovery of all or any part of the assessment in arrear in manner before described, the Collector shall be and he is hereby authorized and empowered to prosecute for and otherwise recover the same according to law; and the Collector shall be bound to preserve the warrants of such seizures or sales, and enter in a book to be kept for that purpose the names of the parties proceeded against, the assessment due, the expense of the proceedings, and the true proceeds of each sale, which book shall be open to the inspection (without any fee) of all parties interested for Three Months after the date of each sale respectively; and at any time within that period it shall be competent to any Party considering himself aggrieved to complain to the said Magistrate of any thing done unjustly or oppressively in regard to such seizure or sale, such complaints being made in the form of Petitions subscribed by the complainer; and the decision of the Magistrate

54.
Recovery of
Assessment.

trate shall be final and not subject to review in any court by any form whatever.

55.
Application of
Assessment.

And be it Enacted, That the Assessment to be so imposed, levied and collected shall be applied in defraying the expenses of the Judicial and Municipal Establishments of such Burghs, the maintenance of an efficient Police, the Paving, Lighting, Cleansing and Watching the Streets of the Burgh, and supplying the same with Water, or any such one or more of these or other purposes which in the circumstances of the Burgh may be necessary, and which shall have been specified in the Act of Council to be passed and published as aforesaid.

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56.
Modification
of Petty Cus-
toms, Imposts,
&c.

And be it Enacted, That it shall and may be lawful for the Magistrates and Council of any Burgh, either to continue to collect the Petty Customs, Imposts, Rates or Duties legally leviable by such Magistrates, as the same have been heretofore levied and exacted, in virtue of any Act of Parliament, Charter or usage, or to alter, modify and equalize such Petty Customs, Imposts, Rates or Duties so as to make the same fall more equally upon the inhabitants of such Burgh.

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57.
Tables of Cus-
toms to be
revised, and
Rates stated
in Sterling
Money.

And be it Enacted, That with a view to any alteration or modification of such Petty Customs, Imposts, Rates or Duties, the existing Tables thereof shall be revised and remodelled, and the duties shall in all cases be stated in Sterling Money ; and it shall be lawful for such Magistrates and Council to alter and modify such petty Customs, Imposts, Rates and Duties, by wholly or partially withdrawing the same from some articles, and imposing them upon others : Provided always, That the aggregate amount of such altered or modified petty Customs, Imposts, Rates or Duties shall in no case exceed the amount of such petty Customs, Imposts, Rates or Duties, collected according to the average, as nearly as can be estimated, of the Three Years preceding the date of the Act of Council deciding upon such alteration or modification.

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58.
Table show-
ing intended
Alteration of
Customs, to
be prepared a
year before
taking effect.

Provided always, and be it Enacted, That One Year previous to any such alteration or modification taking place, it shall be incumbent upon such Magistrates and Council to prepare or cause to be prepared a Table or Statement, showing distinctly the actual amount of each such petty Customs, Imposts, Rates or Duties, and the annual produce of the whole during the last Three Years, as nearly as the same can be ascertained ; and no such alteration or modification of such petty Customs, Imposts, Rates or Duties shall take place, unless the same shall have been agreed to by Two-thirds of such Magistrates and Council by an Act of Council setting forth the particulars of such intended alteration or modification ; of which Act of Council intimation shall be given by notice affixed in the Town Clerk's office, and on the Doors of the Council-chamber, Town-hall and Court-house, and other conspicuous public places, Three Months at least before an annual Election

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Election of Councillors, and Six Months before any such alteration or modification shall be in operation and be enforced; nor unless such Act of Council shall be approved of and confirmed by an Act of Council passed by a majority of at least Two-thirds of the Magistrates and Council assembled at a meeting to be called for taking the same into consideration, after the annual Election of Councillors succeeding the publication of such notice.

And be it Enacted, That when the Tables of altered or modified petty Customs, Imposts, Rates or Duties shall be adjusted and fixed, the same shall remain in force and be exigible for and during the period of Seven Years; and at or before the expiration of Six Years and a half from the time at which such Table shall be in force, it shall be competent for the said Magistrates and Council to revise, re-adjust the same, and either to continue the same, or where necessary by Act of Council, to which the concurrence of Two-thirds of the Magistrates and Council shall be necessary, again to alter and modify the petty Customs, Imposts, Rates and Duties, in manner and to the effect hereinbefore directed, and before the expiration of such Six Years and a half, the said Magistrates and Council shall intimate and publish the Act of Council determining upon such continued, re-altered or re-modified Tables, in the manner in which the first alteration of such petty Customs, Rates or Duties is hereinbefore directed to be intimated and published; and the Rates and Duties in such continued or re-altered or re-modified Table shall be eligible and come into operation and be in force from the beginning of the Eighth Year after such first alteration, and shall continue exigible for Seven Years, when such petty Customs, Imposts, Rates or Duties may be again continued or altered and modified; and so on at the expiration of each period of Seven Years, in the manner and after the like intimation and publication as is hereinbefore required.

59.
Altered Rates
to be in force
for Seven
Years.

And be it Enacted, That it shall be lawful for the Magistrates and Council of any Burgh to abolish and do away the exaction of such petty Customs, Imposts, Rates or Duties, and to substitute in lieu thereof an Assessment on the real Rent of the whole Lands and Heritages within the Burgh, excepting always Feu Duties and such lands and premises as shall be occupied solely for agricultural purposes as aforesaid, and all houses and tenements under the value of Forty Shillings of yearly Rent, and all subjects occupied solely for the purposes of public worship or of charity or of science and education; and all such Assessments shall be applicable as hereinbefore provided in regard to Assessments in Burghs having no common Good, or no sufficient common Good; and such Assessments shall not (as nearly as can be estimated) exceed the amount of the Customs, Imposts, Rates or Duties so abrogated.

60.
Customs may
be abrogated,
and Assess-
ment sub-
stituted.

61.

Such Abrogation and Assessment not to take place without notice and Act of Council.

Provided always, and be it Enacted, That no such Abrogation of petty Customs, Imposts, Rates or Duties and imposition of Assessment shall take place or be enforced unless and until such Magistrates and Council shall have previously intimated and published their intention of proposing the same, and shall have decided thereon by Act of Council, with the concurrence of Two-thirds of their number, and intimated and published such Act of Council for the periods and in the manner hereinbefore directed in respect of the Assessments hereby authorized to be made in cases of Burghs having no Common Good, Means or Revenue, or no Common Good, Means or Revenue adequate to the expenses of the Burgh.

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62.

Three registered Electors may prosecute for Penalties, &c.

And be it Enacted, That it shall be lawful for any Three registered Electors to complain, by summary Petition, either to the Court of Session or the Sheriff of the County against any Person for breach of any of the regulations to be imposed by virtue of this Act, or for the enforcement of the performance of the duties or observances, or the payment of any of the Penalties hereby prescribed or imposed, or to apply summarily to such Court or Sheriff as aforesaid, for interdict against any wrong done or contemplated against such Burgh or Community, or the property thereof; and in any case where any abuse or malversation, or mismanagement in or of the burghal funds or property cannot be remedied or punished by reason of the neglect, poverty or collusion of the Electors, it shall be competent for the Lord Advocate of Scotland for the time being, for the public interest, to sue by summary application for the redress or punishment of such abuse or malversation or mismanagement in the Court of Session, in his own name, or through the Procurator Fiscal, in the Sheriff Court: Provided, That every such complaint or application shall be lodged within Three Months of the date of the cause of complaint, and that within Fourteen Days thereafter the private Parties so complaining shall have found caution for the payment of the costs to which such parties may eventually be subjected.

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63.

Costs to be awarded in favour of the successful party in Suits for Penalties, &c.

And be it Enacted, That in all prosecutions for penalties, such Court or Sheriff shall award Costs to the Party in whose favour the determination of such Court or Sheriff shall be, and no part of any penalty or the costs attending the prosecution for the same decerned for against the Magistrates and Council or the Office Bearers of any Burgh, shall be paid from or charged against the funds of the Burgh; and in all other suits or complaints such Court or Sheriff shall have full power to decide regarding costs, and to make the same chargeable either on the funds of the Burgh, or on the private parties, as shall be just.

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64.

Registered Electors may sist themselves in Suits or Complaints.

And be it Enacted, That it shall be competent and lawful for any registered Elector to sist himself as complainer or pursuer in such Suit or Complaint, and that either in concurrence with the original Pursuers

or

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or Complainers, or, if they shall have withdrawn or become incompetent to prosecute such suit or complaint, by himself, and in case the original Pursuers or Complainers shall have ceased to be parties, such accessary Pursuer or Complainer, or Pursuers or Complainers, shall find caution as aforesaid for the payment of such subsequent costs as may eventually be awarded against them.

And be it Enacted, That it shall be lawful to the registered Electors of any Burgh having an interest, and for the Lord Advocate of Scotland for the time being to prosecute in the manner hereinbefore authorized and directed the like summary suits or complaints in regard to any penalty, wrong, abuse, malversation or mismanagement in relation to any trust property or trust, held or administered by the Magistrates and Council, or a majority of the Magistrates and Council, of any such Burgh.

65.
Like summary Suit or Complaint competent in Trusts.

AND whereas in many Burghs various immunities and exclusive privileges have been conferred or acquired by Act of Parliament, Charter, Seal of Cause, usage or otherwise, whereby persons not being Freemen of Merchant or other Guilds, crafts or incorporated trades, or exclusive corporations within such Burghs, have been prohibited and prevented and excluded from dealing in trade or merchandize, or exercising crafts, callings, trades or occupations within such Burghs for gain, sale, hire or payment; BE it Enacted, That after the passing of this Act it shall be lawful for any person to practise or deal in any lawful trade or merchandize, and to exercise and carry on any lawful craft, calling, trade or occupation for gain, sale, hire or payment or otherwise, within any Burgh; any law, statute, charter, seal of cause, usage or other right or authority to the contrary notwithstanding; saving and reserving to existing Freemen and Burgesses during their lives, any individual exemptions from taxation which any such Freeman or Burgess enjoyed before the passing of this Act.

66.
Exclusive privileges abolished.

AND whereas by the abolition of such exclusive privileges, the Bakers and Maltsters within Burgh thirled to particular mills, or under Thirlage of the *invecta et illata*, may suffer less by the competition of Bakers and Maltsters not subject to such Thirlage; BE it Enacted, That in all such cases the exclusive privileges of the Incorporations of such Bakers and Maltsters within Burgh shall continue until such time as such Bakers and Maltsters shall be freed and relieved from such Thirlage; and it shall be lawful for the Magistrates and Council of all Burghs in which Bakers and Maltsters are so thirled, either to free such Bakers and Maltsters from the Thirlage, if the mill shall belong to such Burgh, or if the mill shall belong to another party, to proceed to have the Thirlage commuted to which such Bakers and Maltsters are liable, or to purchase the Thirlage of *invecta et illata* in terms and by virtue of an Act passed in the thirty-

67.
CLAUSE (B.)
Exclusive privilege of Bakers and Maltsters liable to Thirlage continued till free from Thirlage.

39 Geo. 3.
c. 55.

ninth year of the reign of his Majesty King GEORGE the Third, intituled, "An Act for encouraging the Improvement of Lands subject to the servitude of Thirlage in that part of *Great Britain* called *Scotland*;" and it shall be lawful for the Magistrates and Council to pay the annual value of such Thirlage, or the purchase-money of such Thirlage of *invecta et illata* as the same shall be ascertained by the proceedings under such Act, by an Assessment to be raised and levied upon the said Burgh in the manner and after the notices and observances required in respect of any other Assessment which such Magistrates and Council are by this Act authorized to impose for defraying the municipal purposes of the Burgh; and it shall be competent and lawful for the Magistrates of such Burgh to borrow money for the payment of the price of such Thirlage; provided that any Loan for that purpose shall be contracted under the powers and directions hereinbefore contained, and not otherwise.

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68.

Recital of
Acts for
amending
Friendly
Societies
Acts.

AND whereas the abolition of the exclusive privileges of the Merchant or other Guilds, crafts, incorporated trades or other exclusive corporations in Burghs may render the continuation of such incorporated bodies unnecessary, and provision ought to be made for the future management of the property and funds of such incorporated bodies, and for security of the legal claims of the members of such bodies and others upon such property and funds: AND whereas an Act was passed in the tenth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to consolidate and amend the Laws relating to Friendly Societies," and another Act was passed in the fourth and fifth year of the reign of His present Majesty, intituled, "An Act to amend an Act of the tenth Year of his late Majesty King GEORGE the Fourth, to consolidate and amend the Laws relating to Friendly Societies;" BE it Enacted, That it shall and may be lawful for the persons who shall be Members or Freemen of any such Corporation at the passing of this Act, to resolve as hereinafter mentioned, either that such Corporation shall be continued under the existing constitution thereof, modified as circumstances may require, or that the Members or Freemen thereof shall thereafter be and become Members of a Friendly Society, in the sense and meaning and with and under the powers, privileges and authorities, restrictions, conditions and limitations contained in the said two last recited Acts or either of them, which shall be deemed and taken to apply to the purposes of such Corporations.

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10 Geo. 4,
c. 56.

4 & 5 Will. 4,
c. 40.

Corporations
may continue
or be re-
solved into
Friendly
Societies.

69.

Corporations
to meet and
decide
whether they
are to con-
tinue or form
Friendly
Societies.

And be it Enacted, That the Clerk, Deacon or Convener usually acting in the affairs of any such Corporation, shall, within Three Months after the passing of this Act, call a Meeting of such Corporation, by written or printed Notice sent to every Member Fourteen Days at least before such Meeting, for the purpose (which shall be expressed

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in

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in the Notice) of taking into consideration and determining whether such Corporation shall continue under the constitution, rules or regulations under which the same has heretofore subsisted, or shall be formed into a Friendly Society under the provisions of the
 5 said two last recited Acts; and the Members of such Corporations shall decide thereupon accordingly, and it shall be held that such Corporation shall be continued under the existing constitution, unless a majority of Two-thirds in number of the Members thereof present at such Meeting, or at any subsequent Meeting of such Corporation,
 10 convened in manner aforesaid, at intervals of not less than One Year, shall decide that a Friendly Society shall be formed as aforesaid.

And be it Enacted, That if such Corporation shall be continued, it shall be lawful for the members thereof to make and institute such new Rules, Orders and Bye-laws as the change of the
 15 circumstances of the body produced by the passing of this Act shall require: Provided always, That it shall not be competent by any such Rule, Order or Bye-law, or by any Rule, Order or Bye-law to be established by any such Corporation forming a Friendly Society in manner herein provided, to impair or affect the right, interest or claim,
 20 present or contingent, of any person whatsoever, in or upon the property, funds, income, or revenue of any such Corporation, or to increase the fees or dues of admission into any such body, of any person in whom the right of admission is at present vested, or to whose widow, children or child, or other relative or connexion the
 25 right of admission would have accrued in case this Act had not been passed; but without prejudice nevertheless to the members of such Corporation establishing such Orders, Rules or Bye-laws in relation to the funds thereof, and right of admission thereto, as by the majority of their body authorized by the rules thereof to act in its affairs, shall
 30 be determined in respect of all strangers, or persons hereafter to become members of such Corporation or interested therein, having no present interest in the same.

70.
 If Corporations be continued, Rules may be made as the changes may require.

And be it Enacted, That no such Rules, Orders or Bye-laws shall be of any force or effect unless Three Months previous to the com-
 35 mencement of the operation thereof, the same shall have been submitted to the Sheriff of the County wherein the Burgh in which such Corporation exists is situated for revision, and shall have been approved of by a writing under his hand; and a written or printed copy of such Rules, Orders or Bye-laws so approved shall be affixed
 40 and continued upon the walls of the room or place in which such Corporation is in use to hold its meetings for One Month at least before the same shall be put in force; and intimation that such copy will be so affixed shall be made by the Clerk or other Officer by notice to that effect affixed upon the doors of the Church or Churches in the Borough to which such Corporation belongs, for Two consecutive Sundays before the affixing such copy as aforesaid.

71.
 CLAUSE (C.)
 Rules to be revised and approved of by the Sheriff.

72.

CLAUSE (D.)
Thirlage not
to extend to
Territory
added.

Provided always, and be it Enacted, That no Territory or any person therein, added or united to any Burgh under the provisions of this Act, shall thereby be subjected to any Thirlage existing in such Burgh to which such Territory or persons were not subject previous thereto.

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73.

CLAUSE (E)
Jurisdiction
and Judicial
Powers of
Dean of Guild
transferred to
the Sheriff.

And be it Enacted, That the office of Dean of Guild and all the judicial powers thereto appertaining shall be and the same are hereby abolished, and all such judicial powers and the jurisdiction heretofore exercised by Deans of Guild shall be and the same are transferred to and conferred upon the Sheriffs of the Counties respectively in which the office of Dean of Guild hereby abolished existed, and it shall be lawful for the Procurator Fiscal of any Burgh to institute in the Sheriff Court all the proceedings necessary towards the administration of the judicial duties and jurisdiction formerly belonging to the office of Dean of Guild: Provided always, That the Edile Powers and jurisdiction of the Dean of Guild shall be and the same are to the extent after mentioned hereby transferred to and conferred upon the Magistrates and Council of the several Burghs in which such office of Dean of Guild hereby abolished formerly existed; and it shall be lawful for such Magistrates and Council to appoint Committees of their own number, not exceeding Three, of whom the majority shall be a quorum, to whom it shall be necessary for any person within such Burgh intending to erect a new building or to alter the structure of any existing building therein, to give notice of such intention, and to exhibit the plans of such building or alteration Fourteen Days at least before the same shall be commenced; and it shall be necessary for such person to give the like notice to all the Proprietors of houses or property conterminous to such intended new building or building to be altered; and if such intended building or alteration shall not be approved of, it shall be competent to such Committee or Proprietor of conterminous property, whether he shall have received such notice or not, to institute by petition to the Sheriffs such proceedings as shall be necessary for trying the merits of the question at issue according to such summary form as the Sheriffs shall direct; and the Sheriff shall try such question and interdict such intended operations, or allow the same and decide otherwise therein as shall be just.

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74.

Act 1663, c. 6.

And be it Enacted, That all actions or proceedings to be hereafter instituted under an Act of the Parliament of *Scotland* passed in the year One thousand six hundred and sixty-three, intituled, "Act anent ruinous Houses in Royal Burghs," shall be brought before the Sheriff of the County, who alone shall have jurisdiction therein, and such actions or proceedings may be instituted by the Procurator fiscal of the Burgh or the Committee of the Council of the Burgh in which the houses complained of are situated, and such action or proceedings

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ceedings shall be competent not only in respect of the houses described in the said Act, but of all houses whether inhabited or uninhabited which are in a state dangerous to the public, and it shall be competent and lawful for the Sheriff, upon proof of such
 5 danger, either to order such houses to be pulled down or to be repaired by the proprietor or proprietors within such period as the Sheriff shall appoint, and in case any such house belonging to several proprietors shall be ordered to be pulled down or shall have been consumed by fire, and a difference shall exist among such proprietors
 10 relative to the plan on which the same shall be rebuilt, it shall be competent to any one of the proprietors to apply to the Sheriff to have the same rebuilt upon a plan suitable to the nature and situation of the house at the expense of the whole proprietors thereof, in proportions equal to their interests in the former building; and the
 15 Sheriff shall on the report of such Surveyors or Builders or skilful persons as he shall think fit to consult, order the house to be rebuilt accordingly, and if the parties or any of them cannot agree or shall refuse to contribute towards the expense of rebuilding the house, the Sheriff may order the same to be sold by public roup at such price
 20 and on such conditions as he on such report as aforesaid shall fix, and the price to be received therefor, after deduction of all necessary expenses, shall be divided among the proprietors according to their respective interests in the subject sold.

AND whereas in consequence of the changes which have taken place
 25 in the trade and commerce of *Scotland*, and in the circumstances of the Royal Burghs therein, the Convention of the Royal Burghs in use, in virtue of certain Acts of the Parliament of *Scotland*, to be held for the regulation of the affairs of such Burghs and other purposes, is now no longer requisite or useful; BE it therefore Enacted, That from and
 30 after the First day of January next the said Convention of Royal Burghs and all the powers and privileges thereof is and are hereby abolished and annulled, and no such Meetings thereof shall hereafter be held; any law, statute, usage or custom to the contrary notwithstanding.

75.
Convention
of Burghs
abolished.

And be it Enacted, That no party to any such proceeding before
 35 the Sheriff shall be obliged to take a full Extract of the proceedings before the Sheriff, or to pay for the same, unless the party shall require such Extract, and in no case shall the expense of such full Extract be payable by the Defender, and when a full Extract is not so required, the Extract of the Decree shall be in the usual short form
 40 of Extracts now in use in the Sheriff Court, any law or practice to the contrary in any Dean of Guild Court heretofore notwithstanding.

76.
CLAUSE (F.)
Parties not
obliged to
take Extracts.

Provided always, and be it Enacted, That the said Convention may before the dissolution of the said Convention delegate to such Person

77.
For collection
of Funds and
payment of
Debts.

or Persons as shall be appointed for that purpose full power to collect the Debts due to the said Convention, and to discharge all the Debts due by the Convention, and to dispose of any residue of Property or Funds thereof as the said Convention may direct; and in the event of any difference or difficulty in relation to such Debts, or any account due to or by the said Convention, or the distribution of any residue that may remain, the same shall be submitted to the Sheriff of the County of *Edinburgh* for his guidance and direction; and the Person or Persons to be appointed as aforesaid shall in any such difficulty be directed by the said Sheriff, who shall audit such accounts, and superintend and direct such proceedings as may be necessary; and his decision thereon shall be final and conclusive.

78.

CLAUSE (G.)

Commissioners of Stamps and Taxes to administer the power of Allocation of the Land-tax.

And be it Enacted, That all the powers, privileges and authorities heretofore exercised by the said Convention of Royal Burghs in relation to the allocation of the Cess or Land-tax upon the Royal Burghs of *Scotland*, shall be transferred to and conferred upon His Majesty's Commissioners of Stamps and Taxes for the time being, by whom or any Three or more of them the same shall be exercised and administered in such and the like manner, and as fully as such powers, privileges and authorities might have been administered by the said Convention of Royal Burghs.

79.

CLAUSE (H.)

Entrance of Burgesses may in certain cases be fixed by the Sheriff.

And be it Enacted, That if the Fees or Dues of Entrance as Burgess of any Burgh shall be or be raised beyond what may be their just and reasonable amount, it shall be competent for any person having an interest to make complaint by Petition thereupon to the Sheriff, who, after citing the Magistrates and Council of such Burgh in usual form, shall inquire into the matter of the complaint, and after hearing parties and taking evidence in such manner as he shall think fit and direct, shall decide therein and fix the amount of the Fees or Dues of Entrance as Burgess of such Burgh as he shall think just, and if any decision of the Sheriff in any such case shall be brought before the Lord Ordinary on the Bills by any party dissatisfied therewith, the judgment of the Lord Ordinary thereon shall be final and conclusive and not subject to review or appeal.

80.

Application of Penalties.

And be it Enacted, That the Penalties to be levied under this Act shall be applied towards the defraying the Municipal and other expenses of the Burgh, in which the same shall be so levied.

81.

Meaning of certain Words.

And be it Enacted, That the word "Burgh" shall be held to include City or Town; that the words "Magistrates and Council" shall be held to include their successors in office; that the words "Town Clerk" shall be held to include Town Clerk Depute; that the word "Sheriff" shall be held to include Steward and Sheriff Substitute and Steward Substitute; and that the word "Corporation" shall be held to

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to include Merchant or other Guild, incorporated Trade, Craft or other exclusive Corporation (as the case may be), unless it be otherwise provided, or the subject-matter or context be repugnant to such construction; and no misnomer or inaccurate description of any place
 5 in any writing made in the form of any Schedule to this Act annexed shall in any way prevent or abridge the operation of this Act, provided such place shall be so designated as to be commonly understood.

And be it Enacted, That all Laws, Statutes and usages now in force in relation to any Burghs, Cities or Towns in that part of *Great*
 10 *Britain* called *Scotland*, in so far as inconsistent or at variance with the provisions of this Act, shall be and the same are hereby Repealed: Provided always, That the same shall in all other respects be of full force and effect.

82.
 Acts inconsistent with this Act, repealed.

And be it Enacted, That this Act shall be deemed and taken
 15 to come into operation in all respects other than as hereinbefore specially provided, from and after the first Election of Magistrates to take place under the provisions of this Act.

83.
 CLAUSE (I.)
 When Act to come into operation.

And be it Enacted, That this Act may be varied, altered or repealed by any Act to be passed in the present Session of Parliament.

84.
 Act may be repealed.

SCHEDULES

To which the foregoing ACT refers.

SCHEDULE (A.)

PARLIAMENTARY BOUNDARIES to be taken.

	NUMBER of COUNCIL.	BAILIES.	PROVOST.
Aberbrothwick	15	3	1
Aberdeen	24	4	1
Airdrie	15	3	1
Annan	15	3	1
Ayr	15	3	1
Brechin	15	3	1
Campbeltown	12	2	1
Cupar	15	3	1
Dumfries	18	3	1
Dumbarton	15	3	1
Dunfermline	15	3	1
Dunbar	12	2	1
Dundee	24	4	1
Dysart	12	2	1
Edinburgh	33	4	1
Elgin	15	3	1
Forfar	15	3	1
Falkirk	15	3	1
Forres	15	3	1
Glasgow	33	4	1
Greenock	18	3	1
Haddington	15	3	1
Hamilton	15	3	1
Inverness	15	3	1
Irvine	15	3	1
Jedburgh	15	3	1
Kilmarnock	18	3	1
Kirkaldy	15	3	1
Kirkcudbright	12	2	1
Kirkwall	12	2	1
Lanark	15	3	1
Leith	18	3	1
Linlithgow	12	2	1
Montrose	15	3	1
Musselburgh	24	4	1
Paisley	18	3	1
Peterhead	15	3	1
Perth	18	3	1
Port-Glasgow	15	3	1
Portobello	15	3	1
Rutherglen	15	3	1
St. Andrew's	15	3	1
Stirling	15	3	1
Stranraer	15	3	1
Wick	15	3	1
Wigton	12	2	1

SCHEDULE (B.)

ANCIENT BOUNDARIES to be observed.

	NUMBER of COUNCIL.	BAILIES.	PROVOST.
Banff - - - - -	15	3	1
Macduff - - - - -	9	2	0
Newburgh - - - - -	9	2	0
Peebles - - - - -	12	2	1
Rothsay - - - - -	15	3	1
Selkirk - - - - -	12	2	1

SCHEDULE (C.)

PARLIAMENTARY BOUNDARIES to be taken, and Qualifications of Electors
to be £.5.

	NUMBER of COUNCIL.	BAILIES.	PROVOST.
Anstruther Easter - - - - -	9	2	0
Anstruther Wester - - - - -	9	2	0
Burntisland - - - - -	9	2	0
Crail - - - - -	9	2	0
Cromarty - - - - -	9	2	0
Cullen - - - - -	9	2	0
Culross - - - - -	9	2	0
Dingwall - - - - -	9	2	0
Dornock - - - - -	9	2	0
Fortrose - - - - -	9	2	0
Inverary - - - - -	9	2	0
Inverbervie - - - - -	9	2	0
Inverkeithing - - - - -	9	2	0
Inverury - - - - -	9	2	0
Kilrenny - - - - -	9	2	0
Kintore - - - - -	9	2	0
Kinghorn - - - - -	9	2	0
Lauder - - - - -	9	2	0
Lochmaben - - - - -	9	2	0
Nairn - - - - -	9	2	0
New Galloway - - - - -	9	2	0
North Berwick - - - - -	9	2	0
Oban - - - - -	9	2	0
Pittenweem - - - - -	9	2	0
Queensferry - - - - -	9	2	0
Renfrew - - - - -	9	2	0
Sanquhar - - - - -	9	2	0
Tain - - - - -	9	2	0
Whithorn - - - - -	9	2	0

SCHEDULE

SCHEDULE (D.)

ANCIENT BOUNDARIES to be observed, and Qualification of Electors
to be £.5.

	NUMBER of COUNCIL.	BAILIES.	PROVOST.
Auchtermuchty - - - - -	9	2	0
Earlsferry - - - - -	9	2	0
Falkland - - - - -	9	2	0

Municipal Corporations, Scotland.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To provide for the better Regulation of
Municipal Corporations in Scotland.

(Prepared and brought in by
Mr. Robert Stewart and the Lord Advocate.)

Ordered, by The House of Commons, to be Printed,
22 June 1836.



A

B I L L

[AS AMENDED ON RE-COMMITMENT]

To provide for the better Regulation of Municipal Corporations in *Scotland*.

[N.B.—*The Clauses marked (A.) to (I.) were added by the Committee, and the Clauses marked (K.) to (R.) on the Re-commitment.*]

WH **H**EREBY AS an Act was passed in the third year of the Preamble :
 reign of his Majesty King GEORGE the Fourth, intituled,
 “ An Act for regulating the mode of accounting for the common Good 3 Geo. 4. c. 91.
 and Revenues of the Royal Burghs of *Scotland* :”

5 And whereas another Act was passed in the second and third year
 of the reign of His present Majesty King WILLIAM the Fourth,
 intituled, “ An Act to amend the Representation of the People in 2 & 3 Will. 4.
Scotland :” c. 65.

10 And whereas another Act was passed in the third and fourth year
 of the reign of His said present Majesty, intituled, “ An Act to alter 3 & 4 Will. 4.
 and amend the Laws for the Election of the Magistrates and Councils c. 76.
 of the Royal Burghs in *Scotland* :”

15 And whereas another Act was passed in the said third and fourth
 year of the reign of His said present Majesty, intituled, “ An Act to 3 & 4 Will. 4.
 provide for the Election of Magistrates and Councillors for the several c. 77.
 Burghs and Towns of *Scotland* which now return or contribute to
 return Members to Parliament, and are not Royal Burghs :”

20 And whereas it is expedient to provide a remedy for the confliction
 of jurisdiction and inequality of burdens arising in sundry Burghs from
 the alteration of their Boundaries by the said recited Act of the second
 and third year of the reign of His present Majesty ; and to alter and
 extend the powers now vested in Municipal Corporations in *Scotland*,

and to provide for the better regulation and management thereof;
BE it therefore Enacted, by The KING's most Excellent MAJESTY,
 by and with the Advice and Consent of the Lords Spiritual and
 Temporal, and Commons, in this present Parliament assembled, and
 by the Authority of the same, THAT so much of the said first recited 5
 Act of the third and fourth year of the reign of His said present
 Majesty as provides that nothing in the said Act contained should
 affect or apply to the Burghs contained in the Schedule (F.) to the
 said Act annexed, but that the Election of Councillors and Magis- 10
 trates in such Burghs should be conducted as practised before the said
 last-mentioned Act was passed, shall be and the same is hereby
 repealed; and the Election of Councillors and Magistrates in the said
 Burghs shall hereafter proceed and be conducted in the same manner
 as by the said Act, in relation to the other Burghs therein mentioned,
 and by this Act, is prescribed and directed. 15

1.
 Repeal of so
 much of first
 recited Act of
 3 & 4 Will. 4.
 as excludes
 certain
 Burghs from
 the operation
 thereof.

2.
 Boundaries of
 Burghs to be
 the Parlia-
 mentary
 Boundaries
 described in
 2 & 3 Will. 4.
 c. 65.

And be it Enacted, That from and after the period when this Act shall
 come into operation, the Limits and Boundaries of each of the Burghs
 contained in the Schedules (A.) and (C.) hereunto annexed, excepting
 the Burghs of *Banff* and *Dumfries*, shall be and be deemed and taken to 20
 be the same as the Limits and Boundaries thereof respectively settled
 and described in the said recited Act of the second and third year
 of the reign of His present Majesty, and the Schedule (M.) there-
 unto annexed, any Charter, Law or usage to the contrary in anywise
 notwithstanding; and the Magistrates and Councillors of every such 25
 Burgh shall, until the same shall be otherwise regulated by Parlia-
 ment, possess the same rights, powers and jurisdiction over the whole
 territory of the Burgh as so bounded, and over the Inhabitants thereof,
 as they heretofore possessed within the Royalty or Limits of such
 Burgh or may hereafter possess; and all subordinate and separate
 magistracies and jurisdictions therein shall thereafter cease and de- 30
 termine; but the rights, powers, authorities and jurisdiction hereby
 conferred shall in no case be exclusive of the existing authority and juris-
 diction of the Sheriff or Justices of the Peace of the County, over the
 Territory within the Boundaries of such Burghs or Towns respectively.

3.
 CLAUSE (K.)
 Boundaries of
 the Burgh of
 Banff.

And be it Enacted, That for the purposes of this Act the Limits 35
 and Boundaries of the Burgh of *Banff* shall be as after described;
 (*videlicet*) From the Rocks on the West of the Town, called The *Little*
Tumblers, in a straight line drawn due South to a Point on the *Gallow-*
hill, Eight hundred and fifty Yards distant; thence in a straight line to
 a Point at which the *Colleonard* Road leaves the *Sandyhills* Road; 40
 thence in a straight line to the Bridge over the River *Doveron*, leading
 from the Town of *Banff* to *Macduff*; thence down the River *Doveron*
 till it joins the Sea; thence along the Sea-shore to the Point first
 described.

And

And be it Enacted, That the Limits and Boundaries of the Burgh of *Dumfries* shall be as follow; (*videlicet*) From the Point on the North of the Town at which the *Townhead* Branch of the *Edinburgh* Road joins the *English Street* Branch of the same Road, in a straight line
 5 drawn upon the Bridge over the *Maryholm Burn* on the *Lincludin* Road until it cuts the River *Nith*; thence down the said River to a Point at which the left bank of the said River is cut by a straight line drawn thereto due West from the *Maiden's Bower Craig*; thence along the last-mentioned straight line to the Point at which the same cuts the
 10 *Caerlawrock* Road; thence in a straight line to the Point at which the Road *Giltrae* leaves the Road to *Callside*; thence in a straight line to a Point which is distant One hundred Yards due East from the Point first described; thence in a straight line to the Point first described.

4.
 CLAUSE (L.)
 Boundaries of
 the Burgh of
 Dumfries.

And be it Enacted, That the Territories hereby disjoined from or
 15 added to any Burgh or County respectively, shall nevertheless be and remain subject and liable to the Rates, Duties, Assessments, Customs or Imposts to which any such Territory was subject and liable before being so disjoined; and all such Rates, Duties and Assessments, Customs or Imposts, shall be levied and recovered by the same
 20 authority and by such and the like suit or process by which the same were recoverable, and shall be applicable to the same purposes to which they were applicable before the passing of this Act; and the Territory so added to any County shall not be liable for any Burgh or other rate aforesaid hereafter to be imposed upon the Burgh from which
 25 it was disjoined, but shall be subject to any County or other rate aforesaid which may hereafter be imposed upon the County to which such Territory is added; and the Territory added to any Burgh shall not be liable for any County or other rate aforesaid to be hereafter imposed upon the County from which it was disjoined, but shall be
 30 liable for any Assessment which shall be hereafter in virtue of this Act imposed upon the Burgh to which it was so added, saving and excepting always all Lands used for agricultural purposes or for pasture, or as nurseries or sale gardens, which shall continue to be subject and liable for the rates and duties to be hereafter imposed upon the
 35 County from which such Territory was disjoined; any thing herein contained to the contrary notwithstanding.

5.
 CLAUSE (M.)
 Territories
 disjoined how
 to be rated or
 assessed.

Provided always, and be it Enacted, That nothing herein contained shall affect or interfere with or be constrained to affect or interfere with any Poor Rate or Ecclesiastical or other Parochial Rate or
 40 Assessment; but every such Rate or Assessment shall be and remain recoverable and applicable as the same was heretofore respectively recoverable and applicable.

6.
 CLAUSE (N.)
 Poor, Ecclesi-
 astical and
 Parochial
 Rates not to be
 affected.

7.
Parts of
Burghs dis-
joined an-
nexed to
Counties.

And be it Enacted, That the part of the Royalty or extended Royalty of any Burgh which may under the provisions of this Act be separated from such Burgh, shall thenceforward be and be taken to be a portion of the County wherein such part is locally situated; and the Jurisdiction of the Magistrates of such Burgh over such part shall there-
upon cease and determine, excepting as is hereinafter provided.

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8.
Saving
Tenures.

Provided always, and be it Enacted, That nothing herein contained shall alter or be construed to alter the Feu or Burgage holdings or tenure of any Lands or Heritages so added or disjoined to or from any Burgh or County, but such holdings or tenure and the records of the
same shall remain in all cases as heretofore.

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9.
Rights of
Commonty
and Servitude
preserved.

And be it Enacted, That all rights of property or commonty or servitude enjoyed by the Burgesses, Proprietors or Tenants within any Burgh, Town or Place hereby united to any other Burgh, shall be preserved entire as if no such union had taken place; and any of the Bailies of the united Burgh shall be entitled to give sasine in property held burgage, in all parts of such united Burgh; and the Registers of Sasines, Reversions, &c. of the several Burghs shall remain and be kept separate as heretofore, under the charge of the several Keepers thereof respectively.

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10.
CLAUSE (A.)
Turnpike
Gates to be
continued.

Provided always, and be it Enacted, That nothing herein contained shall prevent or be construed to prevent the Trustees under any Turnpike Act from continuing any Gate or Bar placed upon any road, street or way, under the authority of any such Act, or from levying thereat the rates, tolls or duties by such Act authorized to be taken: Provided also, That if any Burgh united as aforesaid shall be possessed of separate Property or Funds independent of yearly taxes, rates, duties or assessments, such separate Property or Funds, or the produce thereof, shall be administered by the Magistrates of the United Burgh, for the behoof and benefit of the Burgh to which the same belonged previous to such union.

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Separate Pro-
perty of
United Burgh
to be adminis-
tered for their
behoof.

11.
Number and
Description of
Magistrates and Council-
lors.

And be it Enacted, That at the first Elections of Councillors and Magistrates to take place in terms of this Act, the number of persons to be elected as Councillors, and the proportion of such Councillors to be elected Magistrates respectively for each of the several Burghs contained in the Schedules (A.), (B.), (C.) and (D.), shall be the numbers mentioned in conjunction with the names of such Burghs respectively in the said Schedules.

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12.
Number and
description
of Magistrates
and Council-
lors in Burghs
in Schedule
(A.)

And be it Enacted, That in each of the Burghs contained in the said Schedule (A.) excepting in the Burghs of *Banff* and *Dumfries*, the Electors contained in the list appointed to be made up and kept
by

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by the said recited Act of the second and third year of the reign of His present Majesty of Persons entitled to vote for the return of a Member to Parliament, shall hereafter be the Persons qualified and entitled to vote for the election of Councillors in the Burghs contained in the said Schedule (A.): Provided always, That in the said Burghs of *Banff* and *Dumfries*, the Persons contained in the Lists appointed to be made up under the said last-mentioned Act as Electors within the limits of the said Burghs respectively, as hereinbefore specially described, shall be the Persons qualified and entitled to vote for the election of Councillors within the said Burghs as so described respectively; and the Town Clerks of the said Burghs of *Banff* and *Dumfries* respectively shall at the time and in the manner prescribed by the said first-recited Act of the third and fourth years of the reign of His said present Majesty, annually make up from the said Lists of Electors so kept for the said Burghs of *Banff* and *Dumfries* respectively, a List of all the persons so qualified and entitled to vote for Councillors for the said Burghs respectively, as hereinbefore bounded and described.

And be it Enacted, That the Electors in the Burghs contained in the said Schedule (A.) shall on the first Tuesday of November next, being the day appointed for the annual Election of Councillors for each such Burgh, proceed in the manner directed by the said first recited Act of the third and fourth year of the reign of His said present Majesty, and elect in the manner thereby prescribed, and from among the persons thereby declared qualified to be Councillors, the whole number of the Council hereby appointed to be the Council of each such Burgh respectively; and such Meeting shall be held, and such Election shall proceed in all respects in the manner directed by the said last-mentioned Act; and so much of the said last-mentioned Act as provides that Councillors shall be Burgesses before induction, shall be and the same is hereby repealed.

13.
Election of
Councillors.

And be it Enacted, That the Councillors so elected shall on the Third lawful day after their election is finally completed, assemble, as by the said last-mentioned Act directed and prescribed, and choose such number and description of Magistrates as by the said Schedule (A.) hereunto annexed is indicated and pointed out, for each such Burgh, and also the other usual and ordinary Office-bearers of the Burgh, and the Managers of any charitable or other public institution vested in the Magistrates and Town Council of such Burgh.

14.
Election of
Provost and
Magistrates.

And be it Enacted, That in each of the several Burghs contained in the Schedules (B.) and (D.) hereunto annexed, the limits and boundaries shall remain as heretofore; and the right of electing Councillors in the Burghs in the said Schedule (B.) shall be in all the persons who are,

15.
Number and
Description of
Magistrates
and Council in
Schedules
(B.) and (D.)

by virtue of the said first recited Act of the third and fourth year of the reign of His present Majesty, qualified to vote in the election of the Councils of Royal Burghs in *Scotland*; and such Persons shall give in their claims, and the proceedings thereupon, and the enrolment in the List or Roll of Electors, and the keeping and making up of the said Lists of the Election of Councillors and Magistrates, and Public Officers in the Burghs contained in the said Schedule (B.), shall be and take place in all respects in the manner prescribed and directed by the said last-mentioned Act.

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16.
Magistrates
and Council,
and Right of
Election in
Schedules
(C.) and (D.)

And be it Enacted, That in the several Burghs contained in the Schedules (C.) and (D.) hereunto annexed, the right of electing Magistrates and Councillors in such Burghs shall be in all such persons, and in such persons only, not subject to any legal incapacity, who shall, on or before the Twentieth day of September in this present year, before which day his claim for registration shall as hereinafter directed be made, be in the occupancy, either as proprietor, tenant or life-renter, of any house, warehouse, counting-house, shop or other building within the limits as hereinbefore provided of such Burgh, which either separately or jointly with any other house, counting-house, shop or other buildings within such Burgh, or with any land owned and occupied by him or occupied under the same landlord, and also situated within such Burgh, be of the yearly value of not less than Five Pounds: Provided always, That no Person shall be entitled to be registered or to vote in the present or any future year, unless he shall have resided for Six calendar Months next previous to the last day of August in the present, or the last day of July in any future year, within such Burgh, or within Seven Statute Miles of some part thereof: Provided also, That Persons so resident shall be entitled to be registered and to vote, if they are the true owners of such premises as are hereinbefore mentioned within such Burgh, of the yearly value of not less than Five Pounds, although they should not occupy any premises within the same, or the premises actually occupied by them should be of less yearly value than Five Pounds; and that the husband of such owners shall be entitled to vote either in the lifetime of their wives or after their death if then holding such property by the courtesy of *Scotland*: Provided further, That no Person shall be entitled to be registered, or to vote in the election of Councillors, who shall have been in the receipt of Parochial Relief within Twelve calendar Months next previous to the last day of August in the year One thousand eight hundred and Thirty-six, or next previous to the last day of July in any succeeding year.

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17.
Claims to vote
by Electors in
Burghs in
Schedules
(C.) and (D.),
how to be
made.

And be it Enacted, That all claims to vote for Councillors by persons qualified as Electors, as last herein described, in the Burghs contained in the said Schedules (C.) and (D.) hereunto annexed, and the proceedings

proceedings thereupon, and the enrolment in the list or roll of Electors, and the keeping and making up of the said lists, and the Election of Councillors and Magistrates in the Burghs contained in the said Schedules (C.) and (D.) shall be made and proceeded in, in all
5 respects, in the manner prescribed and directed by the said first recited Act of the third and fourth year of the reign of His present Majesty: Provided always, That any person elected a Bailie shall continue to hold the office of Bailie during the term for which he has been elected a Councillor.

10 And be it Enacted, That upon the completion of such Election of Councillors, Magistrates and Office-bearers so to be made in each such Burgh respectively, and not sooner, the Provost, Magistrates, Councillors and Office-bearers now in office therein, and other persons in the employment of such Burgh not holding their offices permanently,
15 or *ad vitam, aut culpam*, shall go out, and their whole powers, duties and functions shall cease and determine, except only where any one or more of such persons shall have been again elected under the provisions of this Act.

18.
When Elections in Burghs completed, former Magistrates to go out of office.

20 And be it Enacted, That if, through alteration of the circumstances of any Burgh, it shall become necessary and proper that the number of Councillors and Magistrates in such Burgh should be increased, it shall be lawful for His Majesty, His heirs and successors, with the advice of His Privy Council, by warrant under His Sign Manual, to increase the number of Magistrates and Councillors in such Burgh as
25 shall be thought fit; and such Warrant shall be notified in the Gazette, and the number of Magistrates and Council appointed by such Warrant shall be the number of the Magistrates and Council of such Burgh, in such and the like manner as if the same had been specified and declared in this Act.

19.
His Majesty in Council may appoint additional Magistrates.

30 And be it Enacted, That the said first recited Act of the third and fourth year of the reign of His present Majesty, and all the powers, provisions, exemptions, penalties, forfeitures, payments, matters and things therein contained (save and except such parts thereof as are hereby varied, altered or repealed,) shall, as far as the same are applicable, apply
35 to the Election of the Magistrates and Council of the Burghs contained in the said Schedules (A.), (B.), (C.) and (D.) hereunto annexed, and to this Act, and shall be as good, valid and effectual for carrying this Act into execution, as if the same had been re-enacted in the body of this Act.

20.
First recited Act of the 3d & 4th of His Majesty applied to this Act.

40 And be it Enacted, That in all cases of equality of Votes at the Election of Magistrates or other officers in any Burgh, the casting Vote shall be given by the Member of Council who shall stand first on the List of Councillors, and who shall have such casting Vote over and above the deliberative Vote of such Member of Council.

21.
Member of Council at head of List to have Casting Vote.

22.
In Chief
Magistrate's
absence,
Senior Bailie
or Councillor
to ac

And be it Enacted, That in the absence of the Provost or the Chief or Senior Magistrate, at any Meeting of the Magistrates and Council of any Burgh, the Bailie, and failing the Bailies, the Councillor then present who shall have been longest in the Magistracy or Council, shall be entitled to act in the place of such absent Provost or Chief or Senior Magistrate, with all the powers and privileges belonging, or which belonged or were competent to such Provost or Chief or Senior Magistrate; and at all such Meetings the Provost or Chief or Senior Magistrate or other person officiating for him shall in cases of equality over and above a deliberative Vote have a casting Vote. 5 10

23.
Persons hold-
ing Contracts,
&c. not eli-
gible as Coun-
cillors.

And be it Enacted, That no Person in any Burgh who is directly or indirectly by himself or any partner concerned or interested in or under any Contract with, by or on behalf of such Burgh, or to which such Burgh is a party, or who holds directly or indirectly by himself or any partner any place of profit, office or employment under or in the appointment of the Magistrates and Council of such Burgh, shall be capable of being elected, or of acting as a Councillor thereof, while he shall hold such place of profit, office or employment, or during the subsistence of such contract, or while any claim arising out of the same shall be unsettled; nor shall any Councillor or Magistrate be capable of being elected to any such place of profit, office or employment until One Year after he shall cease to be a Councillor or Magistrate: Provided, That no person shall be disqualified from being a Councillor by reason of his being a proprietor or shareholder of any Company which may contract with such Burgh, provided the shares of such Company are transferable by sale. 15 20 25

24.
Election to
supply va-
cancy of
Councillor.

And be it Enacted, That if any Vacancy shall occur in the office of Councillor for any Burgh between the periods of the annual Elections, the Electors entitled to vote shall, on a day to be fixed by the Provost or Chief Magistrate acting for the time, such day being not sooner than Six or later than Ten Days after such Vacancy, elect from the persons qualified to be a Councillor another person to supply such vacancy, and such Election shall be held, and the voting and other proceedings, in case of a competition and contest, shall be conducted in the same manner and subject to the like provisions as are prescribed by the said first recited Act of the third and fourth year of the reign of His present Majesty and by this Act, with respect to the Election of such Magistrates and Council respectively; and every person so elected shall hold office until the time at which the person in room of whom he was chosen would regularly have gone out of office, and he shall then go out of office, but shall be capable of immediate re-election if then duly qualified. 30 35 40

25.
Magistrates
and Council
may appoint
Committees.

And be it Enacted, That it shall be lawful for the Magistrates and Council of any Burgh to appoint out of their own body from time to time

time such and so many Committees, either of a general or special nature, and consisting of such number of persons as they may think fit, for any purposes which it may appear to the Magistrates and Council would be better managed by means of such Committees:

- 5 Provided always, That the acts of every such Committee shall be subject to the approval of the Magistrates and Council, unless such Committee shall have been authorized in cases of emergency to act without such approval; and in every such case the act of such Committee shall be specially reported to the next meeting of Council.

- 10 And be it Enacted, That after the Elections of Councillors and Magistrates shall be completed under the provisions of this Act, it shall be lawful for the Magistrates and Council to elect or appoint a Town Clerk or Town Clerks in each Burgh respectively, and also such other Officers or Servants as are usual and necessary for such Burgh, and the
- 15 Town Clerks to be appointed shall hold their offices during pleasure, and the other Officers or Servants shall be appointed for One Year or during pleasure, as the said Magistrates and Councils of such Burghs shall think fit: Provided always, That the Town Clerk and Chamberlain shall not be the same person, and that the present or future Town
- 20 Clerks and other Servants or Officers of any such Burgh shall in all cases be re-eligible; and if in any case it be necessary or advisable that the appointment of any Officer of any Burgh, except the appointments by this Act otherwise regulated, should be for life or for a term of years, it shall not be competent to elect or appoint any Officer to such
- 25 vacancy until the expiration of Three Months after the vacancy shall have occurred, and unless notice of the intention to hold the Meeting at which the election or appointment is to be made shall have been given Ten Days previous to such Meeting, by affixing a printed or written intimation of such Meeting, and the purpose for which it is
- 30 called, within the Town Clerk's Office; and upon the walls of the Council Chamber, Town Hall or Court House and other conspicuous public places within the Burgh; but without prejudice to the Magistrates and Council appointing a person to do the duties of such office from the time the vacancy takes place till the election or appointment shall be completed.
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26.
Appointment
of Town
Clerks and
other Officers.

- And be it Enacted, That every Officer of any Burgh who shall be in any office of profit at the time of the passing of this Act, whose office shall be abolished, or who shall be removed from his office under the provisions of this Act, or who shall not be re-appointed as aforesaid,
- 40 shall be entitled to have an adequate Compensation, to be assessed by the Magistrates and Council, and paid out of the funds of the Burgh, for the salary, fees and emoluments of the office which he shall so cease to hold, regard being had to the manner of his appointment to the said office, and his term or interest therein, and all other circum-

27.
Officers to
receive Com-
pensation on
Removal.

stances of the case ; and every Person entitled to such Compensation as aforesaid shall deliver to the Town Clerk, or in case such Person shall himself be Town Clerk, then to the Chief Magistrate of the Burgh, a Statement under the hand of such Person, setting forth the amount received by him or his predecessors in every year during the period of Five Years next before the passing of this Act, on account of the salary, fees, emoluments profits and perquisites, in respect whereof he shall claim such Compensation, distinguishing the office, place, situation, employment or appointment in respect whereof the same shall have been received, and containing a Declaration that the same is a true statement according to the best of the knowledge, information and belief of such Person, and also setting forth the sum claimed by him as such Compensation ; and the Town Clerk or Chief Magistrate, as the case may be, shall lay such Statement before the Magistrates and Council, who shall take the same into consideration and determine thereon ; and immediately upon such determination being made, the Person preferring such claim, if he shall not himself be the Town Clerk, shall be informed thereof by notice in writing under the hand of the Town Clerk ; and in case such claim shall be admitted in part and disallowed in part, such notice shall specify the particulars in which the same shall have been admitted and disallowed respectively ; and in case the Person preferring such claim shall think himself aggrieved by the determination of the Council thereon, or in case One-third of the Members of the Magistrates and Council shall subscribe a Protest against the amount of Compensation allowed by the determination of the Magistrates and Council as excessive, it shall be lawful for the Person preferring such claim, or any Member of the Council who shall subscribe such Protest, to appeal to the Lords Commissioners of His Majesty's Treasury, who shall thereupon make such order as to them shall seem just ; and such order, signed by Three or more of such Lords Commissioners shall be binding on all Parties : Provided always, That if the Magistrates and Council shall not determine on such claim within Six calendar Months after the aforesaid Statement shall be delivered to the Town Clerk or Chief Magistrate, as the case shall be, such claim shall be considered as admitted : Provided also, That it shall not be lawful for any of the Magistrates or Council to subscribe such Protest as aforesaid except within such period of Six calendar Months : Provided farther, That the Person preferring such claim, if any of the Magistrates or Council shall so require, upon receiving notice in writing, signed by the Town Clerk, unless such Person shall himself be Town Clerk, in which case no such notice shall be requisite, shall from time to time attend at any meeting or adjourned meeting of the Magistrates and Council for the investigation of such claim ; and then and thereupon his oath or solemn affirmation to be taken or made before the Provost or Chief Magistrate (who is hereby authorized to administer the same), shall answer all such questions as shall be asked by any of the Magistrates and Council touching the matters

5 matters set forth in the Statement subscribed by such Person as aforesaid, and produce all books, papers and writings in his possession, custody or power relating thereto: Provided also, That every such Officer who shall be continued in or re-appointed to such office under the provisions of this Act, and who shall be subsequently removed from such office for any cause other than such misconduct as would warrant removal from any office held during good behaviour, shall be entitled to compensation in like manner as if he had been forthwith removed under the provisions of this Act, and had not been continued in or
10 re-appointed to such office.

And be it Enacted, That the sum payable to any Person as such Compensation as aforesaid, shall be payable out of the common good, means, property or estate of the said Burgh, or the income or revenue of the same, or out of the assessments hereby authorized to be raised, and shall be secured to such Person by bond or obligation in due and competent form, under the common seal of the Burgh out of whose funds the same is payable; and such bond or obligation shall be prepared at the expense of the said Burgh, and as soon as conveniently may be after the amount of such Compensation shall have been ascertained and fixed as aforesaid.
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28.

Compensation, how to be payable and secured.

AND whereas by the said first recited Act of the third and fourth year of the reign of His present Majesty, it was provided, That the Burghs of *Edinburgh, Glasgow, Aberdeen, Dundee, Perth, Dunfermline, Dumfries and Inverness*, should be divided into Wards or Districts, by the Commissioners named and appointed by His Majesty to inquire into and report upon the condition of the several Burghs and Towns of *Scotland*, by virtue of a Commission dated on the Fifteenth day of July One thousand eight hundred and Thirty-three; and by the said second recited Act of His said present Majesty it was provided, that the Burghs or Towns of *Paisley, Greenock, Leith and Kilmarnock* should in like manner be divided into Wards or Districts by the said Commissioners, and the said Burghs and Towns were accordingly divided into Wards in terms of the said recited Acts: And whereas it may be necessary, in consequence of the change of the boundaries or limits by this Act, that the Wards into which the said Burghs and Towns were divided should be altered or modified in number and boundary or otherwise; BE it therefore Enacted, That the persons appointed Commissioners under His Majesty's said Commission, now surviving, namely, *John Boyd Grenshields, Thomas Thomson, Robert Bell, James Campbell, Robert Græme, John Cunningham, James Ivory, Robert Hunter, Cosmo Innes and Robert Handyside*, or the survivors of them, or any Three or more of them, shall be and they are hereby authorized and empowered and required within Three Months after the passing of this Act, to alter, increase and modify as may be necessary, in all or any of the said Burghs or Towns,
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29.

Wards may be altered.

the Wards or Districts into which the same are or is divided; and also the number of Councillors to be chosen by each such Ward or District, and in so doing the said Commissioners shall have regard to the directions contained in the said two recited Acts of the third and fourth years of the reign of His said present Majesty in relation to the division of Burghs into Wards, and the numbers of Councillors to be elected by such Wards; and the said Commissioners shall upon the alterations of the divisions of such Wards and Districts being so completed, report the same to His Majesty's Privy Council, who shall cause such report to be published by Royal Proclamation in the Gazette; and the number of limits of such Wards or Districts, and the number of Councillors to be elected by each such Ward or District being so fixed, reported and published, shall be held and taken to be a part of this Act in the same manner and to the same effect as if the same were herein particularly set forth and enacted.

Account of
Property
of Burgh
to be made
before Oct. 1.

And be it Enacted, That the respective Chamberlains or Accountants in each such Burgh where there are such Officers, or the Town Clerks of every such Burgh where there is no such Chamberlain or Accountant, shall on or before the First day of October in this present year prepare a distinct Statement, in the form of a Stock Account, of all the Property, heritable and moveable, belonging to the Burgh, and of the Revenue from whatever source derived and of every description belonging to such Burgh; and also of all the Debts, heritable or moveable, and of every annuity or permanent or usual annual or other out-going of every description due and payable by the said Burgh.

31.
State to be
made up of
the Income,
&c. to be col-
lected.

And be it Enacted, That the respective Chamberlains or Accountants in each such Burgh where there are such Officers, or the Town Clerks of every such Burgh where there is no Chamberlain or Accountant, shall at the term of Lammas in all future years make up a complete State of the Annual Income or Revenue of such Burgh, arranging and distinguishing the different sources from which such Income or Revenue is derived, under the heads of Rents, Feu Duties, Customs, produce of Assessments and the like, completing such enumeration; and which State shall within Fourteen Days of the said term of Lammas annually be revised and audited by a Committee of the Council to be appointed for that purpose, and if found to be correct, shall be certified by such Committee accordingly, and shall thereupon be regularly entered by the Chamberlain, Accountant or Clerk (as the case may be) in some proper account book of the said Burgh, and an extract or copy thereof, certified by the Officer preparing the same, shall be the authority to the Chamberlain or Treasurer for collecting the income or revenue of the Burgh as set forth in such State.

And

And be it Enacted, That the respective Chamberlains or Treasurers of every such Burgh shall keep a regular Cash Book and Ledger, in which shall be entered all the receipts and disbursements of the Burgh Funds which shall in any wise come to be paid to or by such Chamberlain or Treasurer; and such Cash Book shall be examined, revised and docqueted half-yearly, by a Committee of the Council appointed for that purpose, and such Cash Book and Ledger shall form a part of the Burgh Records.

32.
Books to be
kept by
Chamberlain,
&c.

And be it Enacted, That the respective Chamberlains or Treasurers of such Burghs shall, within One Month after the said term of Lammass yearly, make up a full and articulate Account of his intromissions during the year preceding the said term, in which shall be set forth the whole receipts and disbursements of the Chamberlain or Treasurer, with the Funds of every description of the said Burgh; and such receipts and disbursements shall, as far as shall be practicable, be set forth under the different heads or branches of receipt or expenditure to which they properly belong; and the said Account shall on or before the Fifteenth day of September in each year, be carefully examined with the vouchers thereof, and audited and docqueted, and signed by a Committee of the said Council appointed for that purpose; and no account shall be held to be finally closed unless so audited and docqueted and signed.

33.
Chamberlain
to make up
Accounts
annually.

And be it Enacted, That after the Chamberlain or Treasurer's Account shall have been so made up and docqueted, the respective Accountants in each such Burgh where there is an Accountant, and where there is not such Officer, the respective Town Clerks of each such Burgh shall on or before the First day of October in all future years prepare a complete State, exhibiting the common good or property of the Burgh, heritable or moveable, together with the amount of all sums received on account of the Burgh, as loans, prices of property of any description, or for the purchase of any annuity, or by way of grassum, or other consideration of whatever kind; and all the debts due to the Burgh, also its whole income or revenue, from whatever sources derived, and classed under the several appropriate or distinctive heads or classes to which the different branches of revenue properly belong, and showing the amount of each branch, and how much thereof has been received, and how much is in arrear, and how long such arrears have been outstanding, and also setting forth what abatements, if any, have been allowed, and on what account; also all debts due by the Burgh, and all incumbrances, and cautionary and other obligations to which it is subject and liable, showing the date at which any such debt was incurred, or such obligation undertaken or entered into, and all sums paid on account of the Burgh, and due or owing by the Burgh for the year which such State comprehends; and such State shall be examined, audited and docqueted by a Committee

34.
General State
of the Pro-
perty of the
Burgh to be
made up an-
nually by
Town Clerks.

of the Council, and shall be subscribed by the Chief Magistrate and Accountant or Town Clerk, and shall be preserved as a part of the Burgh Records.

35.
Abstract of
affairs of
Burgh to be
printed and
distributed
gratis.

And be it Enacted, That the respective Accountants in each such Burgh where there is an Accountant, and where there is not such Officer the respective Town Clerks of every such Burgh, shall on or before the Tenth day of October in all future years prepare an Abstract of the State last hereinbefore directed to be made out, containing all necessary particulars, and exhibiting the general result of such statement and the condition of the affairs of the Burgh; and in all cases in which the annual revenue of the Burgh shall be not less than One hundred Pounds, the Accountant or Town Clerk shall cause such Abstract to be printed; and where the annual revenue of the Burgh shall be less than One hundred Pounds, such Abstract shall be prepared, and a written Copy shall lie at the Town Clerk's Office for the examination of any Elector who shall require to see the same.

36.
Accounts and
Vouchers to
be exhibited
gratis for One
Month.

And be it Enacted, That for One Month succeeding the said Tenth day of October in each year, all the accounts hereby directed to be kept or prepared, and States, abstract and vouchers of the accounts of the Burgh, shall be exhibited gratis at the Office of the Town Clerk, at any hour between Eleven and Three to any Elector who shall demand to see the same; and such States and accounts shall also at all other times within the hours aforesaid be exhibited to any Elector demanding to see the same, on payment of a fee of not more than Two Shillings and Sixpence per hour to the Clerk attending him in making the inspection.

37.
Penalty on
failure to keep
Accounts, &c.

And be it Enacted, That if any Town Clerk, Chamberlain, Treasurer or Accountant shall fail or neglect to prepare, furnish, exhibit or publish any Statement, Account or Abstract, or to keep any Book or Books which such Town Clerk, Chamberlain or Treasurer is hereinbefore required to do, or shall otherwise fail or neglect to comply with the directions of this Act, in relation to the property, debts, revenue and affairs of such Burgh, such Town Clerk, Chamberlain, Treasurer or Accountant shall for every such offence committed by him forfeit and pay a sum not less than Fifty Pounds, besides being liable for any loss or damage that may be occasioned by such neglect or failure.

38.
Separate
Books and
Accounts, &c.
of Trusts to
be kept.

And be it Enacted, That separate Books and Accounts of all Trusts, mortifications and endowments, of which the Magistrates and Council of any Burgh shall be the Trustees or Managers, or which shall in anywise be committed to their charge, or where the Magistrates and Councillors form a majority of the Trustees, shall be kept, showing the property, revenue and expenditure of the Trust.

And

And be it Enacted, That such separate Trust Books shall be brought to a balance within Fourteen Days after the term of Lammas in each year; and before the First day of October annually, a State of the Trust property shall be prepared by the Town Clerk or other Person having the charge of the Books and Accounts of the Trust, exhibiting as nearly as may be the several particulars hereinbefore directed to be contained in the State of the property of the several Burghs required to be prepared by the respective Town Clerks before the First day of October annually; and if the Trusts shall be for purposes of education or charity, the State shall set forth the manner in which the estate has been administered and applied; and in cases where the annual income exceeds One hundred Pounds, an Abstract shall be prepared, published and exhibited in the same manner as is prescribed in regard to the Abstract of the state of the affairs of the Burgh; and the Books and Accounts of the Trust shall be open for inspection, and for the like time as hereinbefore provided in regard to the Books and Accounts of the Burgh; and the Town Clerk or other Officer in charge of the Books and Accounts of the Trust, shall for any failure or neglect in performance of the duties hereby imposed upon him, be subject and liable to a penalty of not less than Fifty Pounds.

39. *
Trust Books
to be balanced,
and state of
Fund to be
made up
annually.

And be it Enacted, That where any Trust Fund is vested in the names of any Magistrates or Councillors, or in the name of any individual Magistrate or Councillor, such Magistrates or Magistrate, Councillors or Councillor shall, upon being required so to do, subscribe a Declaration of Trust in the Council Books of the Burgh in relation to such Trust Fund, and declaring the purposes and conditions for and on which they or he hold or holds the same.

40.
Magistrates
to make De-
claration of
Trusts.

And be it Enacted, That within Twelve Months after the passing of this Act, and once at least in every Ten Years thereafter, the Magistrates and Council of every Burgh shall cause the whole property of the Burgh lands, heritages and moveable property of every description to be valued by skilful persons, whose estimation thereof shall be formed upon the worth of such property, at the time and according to the price which it would then bring in the market if sold, and without reference to any prospective or contingent value not influencing such property at the time; and the valutors employed shall make up a State of the value of all such properties under distinct and appropriate heads, and such State shall be entered in the Council Books of the Burgh by the Town Clerk thereof within One Month after such valuation shall have been made; and if the Magistrates and Councillors in office, when such valuation is required to be made, shall fail to cause the same to be made, they shall each be individually liable in a penalty of not less than Fifty Pounds; and if any Town Clerk of any Burgh shall fail to enter the same in the Council Books

41.
Valuation of
Burgh Pro-
perty.

within the time hereinbefore prescribed, he shall be liable in a penalty of Fifty Pounds.

42.
Property may
be sold, or
Money bor-
rowed to
pay Debt.

And be it Enacted, That where the property of any Burgh is now liable to be attached or adjudged, and carried off for the satisfaction of any Debt due by such Burgh, it shall be lawful for the Magistrates and Council thereof, at a Meeting to be called by Notice given Fourteeh Days previous to such Meeting to each of such Magistrates and Councillors, in which the special purpose of such Meeting shall be announced, to take the nature of such Debt into consideration; and if it shall seem expedient to them so to do, to determine by Act of Council that such Debt shall be paid and satisfied, and for that purpose to sell or authorize the sale of so much of the property, heritable or moveable, of the said Burgh, as may by law be sold, and may be necessary to produce a sum adequate to the payment of such Debt, and with the produce of such sale to pay such Debt accordingly; or it shall be lawful for the said Magistrates and Council, if they shall judge it preferable, to order by Act of Council the payment of such Debt, by money to be raised upon the security of any property of the Burgh liable as aforesaid; provided that notice and publication of such sale, borrowing and Acts of Council shall be given as is hereinafter required in relation to other sales or borrowing.

43.
Regulating
Alienation,
and borrow-
ing.

And be it Enacted, That it shall not be lawful for the Magistrates and Council of any Burgh (unless for the payment of debt as aforesaid) to sell or alienate all or any part of the Lands or Heritages belonging to the Burgh by sale or excambion, or to borrow any money upon the credit of the heritable property of the Burgh, unless previous to such alienation or borrowing, the purpose of alienating or borrowing shall have been agreed to by Two-third parts of the whole Magistrates and Council of the Burgh, by an Act of Council passed at a meeting of such Magistrates and Council, such meeting having been called by notice, specifying the object of the meeting, and such notice, printed or legibly written shall also be affixed in the Town Clerk's Office, or on the Doors of the Council Chamber, Town Hall or Court House, and other conspicuous public places within the said Burgh, for One Month at least previous to such meeting; and such Act of Council shall in like manner be affixed in the Town Clerk's Office, and on the Doors of the Council Chamber, Town Hall, Court House, and other conspicuous public places within the said Burgh as aforesaid: Provided always, That all such alienations and loans shall be null and void, unless such notice and publication shall have been so given and made.

44.
Lands not to
be alienated
for a price or
grassum;

Provided always, and be it Enacted, That nothing herein contained shall prevent the Magistrates and Council of any Burgh from feuing or granting Building Leases of the Lands or Heritages belonging to the Burgh: Provided also, That no Lands shall be feued, and no Building Leases

329

Leases granted for a price in a gross sum or for a fine or grassum ; but the consideration to be taken shall be in the shape of an annual feu-duty or ground-rent; and no Leases of any heritable property except Building Leases, shall be let for a longer period than Twenty-one Years,
 5 nor shall any Lease either of heritable property or of any of the revenues, customs or imposts of any Burgh be granted, unless upon the authority of a previous Act of Council, setting forth the reasons of granting the Lease, and the conditions upon which the same is to be granted; and any Feu or Lease granted otherwise than in terms
 10 of these provisions shall be null and void.

nor Leases granted without an Act of Council.

And be it Enacted, That no alienation of the heritable property of any Burgh by sale, feuing or leasing (excepting Leases of agricultural subjects) shall take place otherwise than by public auction, and no Magistrate or Councillor of any Burgh, or any public officer or servant
 15 of any Burgh, shall be capable of becoming the purchaser, or feuer or tacksman of any such property, revenues, customs or imposts; and every disposition, feu right, or tack of any such property sold, feued or let by private transaction, or otherwise than by public auction, or to any Magistrate, Councillor or public officer,
 20 shall be null and void.

45.
 Alienations to be by Public Auction.

And be it Enacted, That no Work, Improvement or Undertaking, the Cost of which shall exceed Fifty Pounds, shall be executed unless the same shall have been agreed to and sanctioned by an Act of Council passed at a meeting specially called for the consideration
 25 thereof in the manner hereinbefore directed; and the execution of every such Work, Improvement or Undertaking, where the estimated expense thereof shall exceed Fifty Pounds, shall be by Contract, and after intimation by notices affixed in the Town Clerk's Office, and on the Door of the Council Chamber, Town Hall or Court House,
 30 and other conspicuous public places, inviting Contractors to offer for the same; and the Contract shall be approved of by the Magistrates and Council of the Burgh by Act of Council; and no Magistrate, or Councillor, or officer, or servant of the Burgh, shall be capable of becoming a Contractor for the execution of such work, improvement
 35 or undertaking, or of becoming a Contractor in any Contract with the Burgh.

46.
 Public Works to be executed by Contract.

AND whereas it is expedient that the powers and jurisdiction now vested in the Trustees or Commissioners under various Acts of Parliament for paving, lighting, cleansing, watching, regulating the police of,
 40 supplying with water, and improving certain Burghs, or parts thereof, should be transferred to and vested in the Magistrates and Council of such Burghs respectively; BE it Enacted, That if at any Meeting of such Trustees or Commissioners, called for the special purpose of considering the expediency of so transferring such powers, on Fourteen

47.
 Power to transfer lighting and watching powers to Magistrates and Council.

Days' Notice, it shall be determined by a majority of such Trustees or Commissioners, that such transference ought to be made, then and in that case it shall be lawful for the Trustees or Commissioners under any such last-mentioned Acts, and they are hereby authorized and empowered to transfer and convey by a Minute, to be duly executed by a majority of such Trustees or Commissioners, all the powers vested in such Trustees or Commissioners by any such Act or Acts of Parliament as aforesaid, and all the property, heritable and moveable, and all debts, obligations and arrears of Rates due to such Trustees or Commissioners, for the purposes of any such Act, to the Magistrates and Council of the Burgh to which such Act or Acts of Parliament relates or relate; and the Magistrates and Council of such Burgh shall thereafter be the Trustees or Commissioners for the execution of such Act or Acts of Parliament, and shall have the same powers, jurisdictions and authorities, and be subject to the same duties as if they had been originally named, or had been legally elected or appointed Trustees or Commissioners under the provisions of such Act or Acts of Parliament.

48.

CLAUSE (O.)
Two-thirds
of Rate-payers
may convey
if Trustees do
not.

Provided always, and be it Enacted, That in case such Trustees or Commissioners shall not transfer or convey the powers vested in them by such Act or Acts, it shall be competent and lawful for the Rate-payers entitled to elect such Trustees or Commissioners, at any Meeting to be held as Meetings are by such Act or Acts required to be held, by a majority of not less than Two-thirds of their number, to resolve that such powers shall be so transferred or conveyed, and the Trustees or Commissioners shall thereupon execute such Minute as aforesaid, and failing their so doing, such Rate-payers may execute the same; and such Minute executed by such majority of Rate-payers shall be as valid and effectual to transfer or convey the powers of such Act or Acts to such Magistrates and Council to the effect aforesaid, as if such Minute had been executed by such Trustees or Commissioners.

49.

Magistrates
to hold Pro-
perty for the
purposes of
the Act.

Provided also, and be it Enacted, That the Magistrates and Council to whom any such transfer and conveyance shall be made of powers and property under any Act for paving, lighting, cleansing, watching, regulating the Police of, supplying with water, and improving any Burgh, shall hold all such property, heritable and moveable, of every description, and any money acquired under the powers of such Act, and so conveyed to them, for the ends and purposes to and for which such property or money was directed to be applied by such Act; and all such property shall be conveyed by such Trustees or Commissioners, or their Clerk, or other Person in whom the same was vested, to such Magistrates and Councilors, in such form as may be requisite; and it shall be lawful for such Magistrates and Council to recover and pursue for the same, or any such debts, obligations, and arrears as aforesaid, according to law;

law; and such Magistrates and Council shall be bound to implement and fulfil all legal contracts, obligations, and undertakings entered into by such Trustees or Commissioners under such Act.

And be it Enacted, That the Common Good and Property, heritable
 5 and moveable, and Means and Revenues, and Income of every
 description leviable within or belonging to any Burgh, or to which
 such Burgh is entitled, or which are held or administered for or in
 behalf of the community of such Burgh for the public ends or pur-
 10 poses thereof, (but subject to any liabilities to which the same are legally
 liable,) shall be and the same are hereby vested in the Magistrates and
 Council to be elected and chosen for such Burghs respectively under
 the provisions of this Act, with full power, right and authority to levy,
 adjudge, sue for and recover the same for the benefit of such Burghs
 respectively.

50.
 Vesting the
 Property of
 Burghs in
 Magistrates
 to be elected
 under this
 Act.

And be it Enacted, That all mortifications, endowments, trusts
 15 or bequests, or trust property held or administered by the Magistrates
 and Council of any Burgh, or by any person or persons, body or
 bodies holding or administering the same in any Burgh in which before
 the passing of the said two recited Acts of the third and fourth year
 20 of the reign of His present Majesty there were no Magistrates and
 Council, for the behoof or benefit of such Burgh or the community
 thereof, (but subject to any liabilities to which the same are legally
 liable,) shall be vested in, held and administered by the Magistrates
 and Council to be elected and chosen for such Burghs respectively
 25 under the provisions of this Act, for, to and upon the trusts and pur-
 poses, and subject to all the conditions and provisions to, for, under
 and upon which the same were conveyed, granted or settled by the
 grantors or makers of such mortifications, endowments, trusts or
 bequests, with full power, right and authority to adjudge, sue for,
 30 collect, levy and recover the same for the purposes thereof respectively,
 and for no other purposes: Provided always, That nothing herein con-
 tained shall affect any private individual or individuals nominated and
 appointed by the trust deed or other conveyance, whereby any such
 mortification, endowment, trust or bequest is constituted; and saving
 35 always and reserving to all and every person and persons, bodies politic,
 corporate and collegiate, all and every right of property or personal pri-
 vilege or immunity within such Burgh which they respectively had or
 enjoyed before the passing of this Act, in so far as not inconsistent with
 the provisions of this Act.

51.
 Trusts for
 behalf of
 Burgh vested.

Saving rights
 of Property,
 &c.

AND whereas in many of the Burghs and Towns in *Scotland*, the
 40 common Good or other Means or Revenues of such Burghs and
 Towns are inadequate to defray the Expenses of the Municipal and
 Judicial Establishments thereof, and the Expenses attending the
 Elections under the said two recited Acts of the third and fourth year
 of

52.
 Where no
 Common
 Good, or where
 inadequate,
 Assessments
 may be raised
 for defraying
 expense of
 Burghs.

of the reign of His present Majesty, and other Expenses thereby appointed to be paid from the common Good or other Means or Revenues of such Burghs respectively; and it is expedient that a remedy should be provided for such cases; BE it Enacted, That in any Burgh in which there is no common Good, Means or Revenues applicable to the Municipal and Judicial Establishment thereof, or in which it shall appear that upon an average of the last Three Years the available annual Income or Revenue of such Burgh has been inadequate to defray the Expenses necessarily incurred by the Burgh, and there are no practicable means either of sufficiently reducing the Expenses of the Burgh or increasing its Revenue or Income, it shall be lawful for the Magistrates and Council of any such Burgh to levy, as hereinafter specified, an Assessment not exceeding Sixpence in the pound upon the real Rent of all the Lands or Heritages of every description situate within the limits of such Burgh; excepting always from such Assessment all Feu Duties, and other property hereinbefore exempted; and all houses and tenements under the value of Forty Shillings of yearly rent, and all subjects occupied solely for the purposes of public worship, or of charity or science or education; and such Assessment shall be payable by the Tenant or Occupier of such Lands and Heritages, and such Assessments shall be payable half-yearly, at the terms of Martinmas and Whit-Sunday in each year, or yearly, at either of such Terms, as the Magistrates and Town Council shall appoint.

53.
Notice and
Act of Council
before Assess-
ment imposed.

Provided always, and be it Enacted, That it shall not be lawful for the Magistrates and Council of any Burgh to impose or levy any such Assessment unless Three Months, at least, previous to the annual Election of Council, preceding the time at which it is intended to impose such Assessment, a Majority of at least Two-thirds of the whole Magistrates and Council have passed an Act of Council, setting forth in detail the state of the Burgh Revenues, and exhibiting the deficiency of the Burgh Revenue, and other causes rendering such Assessment necessary, the amount of the proposed Assessment, and the purposes to which the same is intended to be applied; nor unless such Magistrates and Council shall have caused a written or printed Copy of such Act of Council to be affixed within the Town Clerk's Office, and upon the walls of the Council-chamber, Town-hall, and Court-house, and other conspicuous public places of such Burgh, Two Months preceding the annual Election of Councillors as aforesaid; nor unless such Act of Council shall, after such publication thereof as aforesaid, be approved of and confirmed by a Majority of at least Two-thirds of the Magistrates and Council assembled at a meeting to be called for taking the same into consideration within One Month after the annual Election of Councillors succeeding the publication of such Notice, so that such Assessment shall before being imposed be in all

all cases proposed by the Magistrates and Council of one year, and be approved of by the Magistrates and Council of another year.

54
Valuation of
Lands and
Heritages
liable to
Assessment.

And be it Enacted, That the Magistrates and Council of any Burgh in which such Assessment shall be imposed shall, previous to the im-
5 position of such Assessment, and annually thereafter, cause a valuation of the Lands and Heritages liable to Assessment within such Burgh, to be made up by some public officer of such Burgh, or by an Assessor to be appointed for the purpose, which Assessor they are hereby authorized to appoint, showing the real rent of the several subjects on which
10 such Assessment is intended to be imposed; and the Person so to be appointed to make the same, shall be entitled to the inspection and use of the rolls or lists made up for the imposition and collection of the land-tax or cess, or assessed taxes, or for the imposition and collection of any other public or local tax or burden; and such Valuation being
15 completed, the Magistrates and Council shall, Two Months previous to the imposition of any such Assessment, cause intimation to be made by a written or printed Notice affixed in the Town Clerk's Office, and on the doors of the Council-chamber, Town-hall and Court-house and other conspicuous public places, that such Valuation and the
20 amount of the Assessment proposed to be made on the several Lands and Heritages therein valued will be deposited on a day to be specified in the Notice, in the Town Clerk's Office, there to be open for Four Weeks for the inspection, gratis, of all concerned; and such Valuation and Assessment shall be deposited and lie open
25 accordingly; and such Notice shall further set forth the time and place at which any party dissatisfied with such Valuation and Assessment may be heard upon an appeal therefrom to be made in manner hereinafter mentioned, such time not exceeding Seven Days after the expiration of the Four Weeks, during which the Valuation is
30 to lie for inspection.

55.
Committee of
Appeal.

And be it Enacted, That such Magistrates and Council shall appoint a Committee of Three of their number to determine any appeal that may be made against such valuation, and it shall be lawful for any Person dissatisfied with the valuation of his or her property and
35 proposed assessment, within such Seven Days as aforesaid, but not thereafter, and Three Days at least before the day to be appointed for hearing such appeals, to lodge with the Town Clerk of the Burgh a Note in writing stating the grounds of appeal; and whatever such Committee shall after hearing such appeal determine, shall be final and
40 conclusive, and not subject to review in any manner of way.

56.
Valuation and
Assessment to
be delivered
to Collector
as Warrant.

And be it Enacted, That when such Assessment or Valuation shall be finally settled, a statement of the amount of the sums to be levied from the several persons liable for the same, signed by the person
438. making

making the valuation and assessment and by the Town Clerk, shall be delivered by the Magistrates and Council to the Chamberlain or Town Treasurer of such Burgh, or other person whom the Magistrates and Council shall employ to collect such assessment, as his Warrant for collecting; and such person shall enter such state in a book to be kept by him, and shall also enter in such book a regular and distinct account of the sums to be received by him. 5

57.
Recovery of
Assessment.

And be it Enacted, That where any Person rated and assessed under this Act shall refuse or neglect to pay the assessment charged upon him for the space of Ten Days next after the same shall be due and demanded by the Collector, it shall be lawful for the said Collector to apply to any Magistrate of the Burgh for a warrant to any of the Officers of the said Burgh to enter the premises, and to seize and take possession of the goods and effects of the Person assessed and refusing and neglecting as aforesaid; which warrant the said Magistrate is hereby authorized and required to grant, upon a certificate signed by the Collector or Person who made the demand, of such demand having been made, and of such Person being in arrear to the amount to be stated in the certificate; and if such assessment shall not be paid within Three Days after such seizure is made, together with charges and expenses thereby incurred, then the said Collector is hereby authorized to sell by public roup, either on the premises where the said goods were seized, or any other place, such part of such goods or effects as shall be sufficient to pay such assessment, with the expenses attending such seizure and sale, returning the surplus, if any be, to the owner; and failing the recovery of all or any part of the assessment in arrear in manner before described, the Collector shall be and he is hereby authorized and empowered to prosecute for and otherwise recover the same according to law; and the Collector shall be bound to preserve the warrants of such seizures or sales, and enter in a book to be kept for that purpose the names of the parties proceeded against, the assessment due, the expense of the proceedings, and the true proceeds of each sale, which book shall be open to the inspection (without any fee) of all parties interested for Three Months after the date of each sale respectively; and at any time within that period it shall be competent to any Party considering himself aggrieved to complain to the said Magistrate of any thing done unjustly or oppressively in regard to such seizure or sale, such complaints being made in the form of Petitions subscribed by the complainer; and the decision of the Magistrate shall be final and not subject to review in any court by any form whatever. 10 15 20 25 30 35 40

58.
Application of
Assessment.

And be it Enacted, That the Assessment to be so imposed, levied and collected shall be applied in defraying the expenses of the Judicial and Municipal Establishments of such Burghs, the maintenance of an efficient Police, the Paving, Lighting, Cleansing and Watching the Streets

Streets of the Burgh, and supplying the same with Water, or any such one or more of these or other similar purposes which in the circumstances of the Burgh may be necessary, and which shall have been specified in the Act of Council to be passed and published as
5 aforesaid.

And be it Enacted, That it shall and may be lawful for the Magistrates and Council of any Burgh, either to continue to collect the Petty Customs, Imposts, Rates or Duties legally leviable by such Magistrates, as the same have been heretofore levied and exacted, in virtue of any
10 Act of Parliament, Charter or usage, or to alter, modify and equalize such Petty Customs, Imposts, Rates or Duties so as to make the same fall more equally upon the inhabitants of such Burgh.

59.
Modification
of Petty Customs,
Imposts,
&c.

And be it Enacted, That with a view to any alteration or modification of such Petty Customs, Imposts, Rates or Duties, the existing Tables
15 thereof shall be revised and remodelled, and the duties shall in all cases be stated in Sterling Money; and it shall be lawful for such Magistrates and Council to alter and modify such petty Customs, Imposts, Rates and Duties, by wholly or partially withdrawing the same from some articles, and imposing them upon others: Provided always, That the aggregate
20 amount of such altered or modified petty Customs, Imposts, Rates or Duties shall in no case exceed the amount of such petty Customs, Imposts, Rates or Duties, collected according to the average, as nearly as can be estimated, of the Three Years preceding the date of the Act of Council deciding upon such alteration or modification.

60.
Tables of Customs to be revised, and Rates stated in Sterling Money.

Provided always, and be it Enacted, That One Year previous to any such alteration or modification taking place, it shall be incumbent upon such Magistrates and Council to prepare or cause to be prepared a Table or Statement, showing distinctly the actual amount of each such petty Customs, Imposts, Rates or Duties, and the annual produce of
30 the whole during the last Three Years, as nearly as the same can be ascertained; and no such alteration or modification of such petty Customs, Imposts, Rates or Duties shall take place, unless the same shall have been agreed to by Two-thirds of such Magistrates and Council by an Act of Council setting forth the particulars of such intended
35 alteration or modification; of which Act of Council intimation shall be given by notice affixed in the Town Clerk's office, and on the Doors of the Council-chamber, Town-hall and Court-house, and other conspicuous public places, Three Months at least before an annual Election of Councillors, and Six Months before any such alteration or
40 modification shall be in operation and be enforced; nor unless such Act of Council shall be approved of and confirmed by an Act of Council passed by a majority of at least Two-thirds of the Magistrates and Council assembled at a meeting to be called for taking the same into consideration, after the annual Election of Councillors succeeding the publication of such notice.

61.
Table showing intended Alteration of Customs, to be prepared a year before taking effect.

62.
Altered Rates
to be in force
for Seven
Years.

And be it Enacted, That when the Tables of altered or modified petty Customs, Imposts, Rates or Duties shall be adjusted and fixed, the same shall remain in force and be exigible for and during the period of Seven Years ; and at or before the expiration of Six Years and a half from the time at which such Table shall be in force, 5
it shall be competent for the said Magistrates and Council to revise, re-adjust the same, and either to continue the same, or where necessary by Act of Council, to which the concurrence of Two-thirds of the Magistrates and Council shall be necessary, again to alter and modify the petty Customs, Imposts, Rates and Duties, in manner and 10
to the effect hereinbefore directed, and before the expiration of such Six Years and a half, the said Magistrates and Council shall intimate and publish the Act of Council determining upon such continued, re-altered or re-modified Tables, in the manner in which the first alteration of such petty Customs, Rates or Duties is hereinbefore directed to be 15
intimated and published ; and the Rates and Duties in such continued or re-altered or re-modified Table shall be eligible and come into operation and be in force from the beginning of the Eighth Year after such first alteration, and shall continue exigible for Seven Years, when such petty Customs, Imposts, Rates or Duties may be again continued 20
or altered and modified ; and so on at the expiration of each period of Seven Years, in the manner and after the like intimation and publication as is hereinbefore required.

63.
Customs may
be abrogated,
and Assessment
substituted.

And be it Enacted, That it shall be lawful for the Magistrates and Council of any Burgh to abolish and do away the exaction of such 25
petty Customs, Imposts, Rates or Duties, and to substitute in lieu thereof an Assessment on the real Rent of the whole Lands and Heritages within the Burgh, excepting always Feu Duties and such lands and premises as shall be occupied solely for agricultural purposes as aforesaid, and all houses and tenements under the value 30
of Forty Shillings of yearly Rent, and all subjects occupied solely for the purposes of public worship or of charity or of science and education ; and all such Assessments shall be applicable as hereinbefore provided in regard to Assessments in Burghs having no common Good, or no sufficient common Good ; and such Assessments shall 35
not (as nearly as can be estimated) exceed the amount of the Customs, Imposts, Rates or Duties so abrogated.

64.
Such Abro-
gation and
Assessment
not to take
place without
notice and
Act of Council.

Provided always, and be it Enacted, That no such Abrogation of petty Customs, Imposts, Rates or Duties and imposition of Assessment shall take place or be enforced unless and until such Magistrates 40
and Council shall have previously intimated and published their intention of proposing the same, and shall have decided thereon by Act of Council, with the concurrence of Two-thirds of their number, and intimated and published such Act of Council for the periods and in the manner
hereinbefore

hereinbefore directed in respect of the Assessments hereby authorized to be made in cases of Burghs having no Common Good, Means or Revenue, or no Common Good, Means or Revenue adequate to the expenses of the Burgh.

- 5 And be it Enacted, That it shall be lawful for any Three registered
Electors to complain, by summary Petition, either to the Court of Ses-
sion or the Sheriff of the County against any Person for breach of any
of the regulations to be imposed by virtue of this Act, or for the en-
forcement of the performance of the duties or observances, or the pay-
10 ment of any of the Penalties hereby prescribed or imposed, or to apply
summarily to such Court or Sheriff as aforesaid, for interdict against
any wrong done or contemplated against such Burgh or Community, or
the property thereof; and in any case where any abuse or malversa-
tion, or mismanagement in or of the burgal funds or property cannot
15 be remedied or punished by reason of the neglect, poverty or collusion
of the Electors, it shall be competent for the Lord Advocate of Scotland
for the time being, for the public interest, to sue by summary applica-
tion for the redress or punishment of such abuse or malversation or
mismanagement in the Court of Session, in his own name, or through
20 the Procurator Fiscal, in the Sheriff Court: Provided, That every such
complaint or application shall be lodged within Three Months of the
date of the cause of complaint, and that within Fourteen Days there-
after the private Parties so complaining shall have found caution
for the payment of the costs to which such parties may eventually be
25 subjected.

65.
Three regis-
tered Electors
may prose-
cute for Pe-
nalties, &c.

- And be it Enacted, That in all prosecutions for penalties, such Court
or Sheriff shall award Costs to the Party in whose favour the deter-
mination of such Court or Sheriff shall be, and no part of any penalty
or the costs attending the prosecution for the same decerned for
30 against the Magistrates and Council or the Office Bearers of any Burgh,
shall be paid from or charged against the funds of the Burgh; and in
all other suits or complaints such Court or Sheriff shall have full power
to decide regarding costs, and to make the same chargeable either on
the funds of the Burgh, or on the private parties, as shall be just.

66.
Costs to be
awarded in fa-
vour of the
successful
party in Suits
for Penalties,
&c.

- 35 And be it Enacted, That it shall be competent and lawful for any
registered Elector to sist himself as complainer or pursuer in such Suit
or Complaint, and that either in concurrence with the original Pursuers
or Complainers, or, if they shall have withdrawn or become incompe-
tent to prosecute such suit or complaint, by himself, and in case the
40 original Pursuers or Complainers shall have ceased to be parties, such
accessary Pursuer or Complainer, or Pursuers or Complainers, shall
find caution as aforesaid for the payment of such subsequent costs as
may eventually be awarded against them.

67.
Registered
Electors may
sist them-
selves in Suits
or Complaints.

And be it Enacted, That it shall be lawful to the registered Electors
of any Burgh having an interest, and for the Lord Advocate of Scot-

68.
Likewise
Suit or
Complaint
competent
in Trusts.

land for the time being to prosecute in the manner hereinbefore authorized and directed the like summary suits or complaints in regard to any penalty, wrong, abuse, malversation or mismanagement in relation to any trust property or trust, held or administered by the Magistrates and Council, or a majority of the Magistrates and Council, of any such Burgh.

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69.
Exclusive
privileges
abolished.

AND whereas in many Burghs various immunities and exclusive privileges have been conferred or acquired by Act of Parliament, Charter, Seal of Cause, usage or otherwise, whereby persons not being Freemen of Merchant or other Guilds, crafts or incorporated trades, or exclusive corporations within such Burghs, have been prohibited and prevented and excluded from dealing in trade or merchandize, or exercising crafts, callings, trades or occupations within such Burghs for gain, sale, hire or payment; BE it Enacted, That after the passing of this Act it shall be lawful for any person to practise or deal in any lawful trade or merchandize, and to exercise and carry on any lawful craft, calling, trade or occupation for gain, sale, hire or payment or otherwise, within any Burgh; any law, statute, charter, seal of cause, usage or other right or authority to the contrary notwithstanding; saving and reserving to existing Freemen and Burgesses during their lives any individual immunity exemptions from taxation which any such Freeman or Burgess enjoyed before the passing of this Act.

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70.
CLAUSE (B.)
Exclusive
privilege of
Bakers,
Brewers and
Maltsters
liable to Thirlage con-
tinued till free
from Thirlage.

AND whereas by the abolition of such exclusive privileges, the Bakers, Brewers and Maltsters within Burgh thirled to particular mills, or under Thirlage of the *invecta et illata*, may suffer less by the competition of Bakers, Brewers and Maltsters not subject to such Thirlage; BE it Enacted, That in all such cases the exclusive privileges of the Incorporations of such Bakers, Brewers and Maltsters within Burgh shall continue until such time as such Bakers, Brewers and Maltsters shall be freed and relieved from such Thirlage; and it shall be lawful for the Magistrates and Council of all Burghs in which Bakers, Brewers and Maltsters are so thirled, either to free such Bakers, Brewers and Maltsters from the Thirlage, if the mill shall belong to such Burgh, or if the mill shall belong to another party, to proceed to have the Thirlage commuted to which such Bakers, Brewers and Maltsters are liable, or to purchase the Thirlage of *invecta et illata* in terms and by virtue of an Act passed in the thirty-ninth year of the reign of his Majesty King GEORGE the Third, intituled, "An Act for encouraging the Improvement of Lands subject to the servitude of Thirlage in that part of *Great Britain* called *Scotland*;" and it shall be lawful for the Magistrates and Council to pay the annual value of such Thirlage, or the purchase-money of such Thirlage of *invecta et illata* as the same shall be ascertained by the proceedings under such Act, by an Assessment to be raised and levied

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30 Geo. 3.
c. 55.

539

levied upon the said Burgh in the manner and after the notices and observances required in respect of any other Assessment which such Magistrates and Council are by this Act authorized to impose for defraying the municipal purposes of the Burgh; and it shall be
 5 competent and lawful for the Magistrates of such Burgh to borrow money for the payment of the price of such Thirlage; provided that any Loan for that purpose shall be contracted under the powers and directions hereinbefore contained, and not otherwise.

Provided always, and be it Enacted, That no Territory or any
 10 person therein, added or united to any Burgh under the provisions of this Act, shall thereby be subjected to any Thirlage existing in such Burgh to which such Territory or persons were not subject previous thereto.

71.

CLAUSE (C.)
 Thirlage not to extend to Territory added.

AND whereas the abolition of the exclusive privileges of the Mer-
 15 chant or other Guilds, crafts, incorporated trades or other exclusive corporations in Burghs may render the continuation of such incorporated bodies unnecessary, and provision ought to be made for the future management of the property and funds of such incorporated bodies, and for security of the legal claims of the members of such
 20 bodies and others upon such property and funds: AND whereas an Act was passed in the tenth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to consolidate and amend the Laws relating to Friendly Societies," and another Act was passed in the fourth and fifth year of the reign of His present Majesty,
 25 intituled, "An Act to amend an Act of the tenth Year of his late Majesty King GEORGE the Fourth, to consolidate and amend the Laws relating to Friendly Societies;" BE it Enacted, That it shall and may be lawful for the persons who shall be Members or Freemen of any such Corporation at the passing of this Act, to resolve as
 30 hereinafter mentioned, either that such Corporation shall be continued under the existing constitution thereof, modified as circumstances may require, or that the Members or Freemen thereof shall thereafter be and become Members of a Friendly Society, in the sense and meaning and with and under the powers, privileges and authorities, restrictions,
 35 conditions and limitations contained in the said two last recited Acts or either of them, which shall be deemed and taken to apply to the purposes of such Corporations.

72.

Recital of Acts for amending Friendly Societies Acts.

10 Geo. 4, c. 56.

4 & 5 Will. 4, c. 40.

Corporations may continue or be resolved into Friendly Societies.

And be it Enacted, That the Clerk, Deacon or Convener usually acting in the affairs of any such Corporation, shall, within Three
 40 Months after the passing of this Act, call a Meeting of such Corporation, by written or printed Notice sent to every Member Fourteen Days at least before such Meeting, for the purpose (which shall be expressed

73.

Corporations to meet and decide whether they are to continue or form Friendly Societies.

in the Notice) of taking into consideration and determining whether such Corporation shall continue under the constitution, rules or regulations under which the same has heretofore subsisted, or shall be formed into a Friendly Society under the provisions of the said two last recited Acts; and the Members of such Corporations shall decide thereupon accordingly, and it shall be held that such Corporation shall be continued under the existing constitution, unless a majority of Two-thirds in number of the Members thereof present at such Meeting, or at any subsequent Meeting of such Corporation, convened in manner aforesaid, at intervals of not less than One Year, shall decide that a Friendly Society shall be formed as aforesaid.

74.
If Corporations be continued, Rules may be made as the changes may require.

And be it Enacted, That if such Corporation shall be continued, it shall be lawful for the members thereof to make and institute such new Rules, Orders and Bye-laws as the change of the circumstances of the body produced by the passing of this Act shall require: Provided always, That it shall not be competent by any such Rule, Order or Bye-law, or by any Rule, Order or Bye-law to be established by any such Corporation forming a Friendly Society in manner herein provided, to impair or affect the right, interest or claim, present or contingent, of any person whatsoever, in or upon the property, funds, income, or revenue of any such Corporation, or to increase the fees or dues of admission into any such body, of any person in whom the right of admission is at present vested, or to whose widow, children or child, or other relative or connexion the right of admission would have accrued in case this Act had not been passed; but without prejudice nevertheless to the members of such Corporation establishing such Orders, Rules or Bye-laws in relation to the funds thereof, and right of admission thereto, as by the majority of their body authorized by the rules thereof to act in its affairs, shall be determined in respect of all strangers, or persons hereafter to become members of such Corporation or interested therein, having no present interest in the same.

75.
CLAUSE (D.)
Rules to be revised and approved of by the Sheriff.

And be it Enacted, That no such Rules, Orders or Bye-laws shall be of any force or effect unless Three Months previous to the commencement of the operation thereof, the same shall have been submitted to the Sheriff of the County wherein the Burgh in which such Corporation exists is situated for revision, and shall have been approved of by a writing under his hand; and a written or printed copy of such Rules, Orders or Bye-laws so approved shall be affixed and continued upon the walls of the room or place in which such Corporation is in use to hold its meetings for One Month at least before the same shall be put in force; and intimation that such copy will be so affixed shall be made by the Clerk or other Officer by notice to that effect affixed upon the doors of the Church or Churches in

in the Borough to which such Corporation belongs, for Two consecutive Sundays before the affixing such copy as aforesaid.

5 Provided always, and be it Enacted, That it shall not be lawful for any such Corporation forming a Friendly Society as aforesaid, to dissolve such Friendly Society, or to distribute or dispose of the property or funds thereof in manner authorized by the said recited Act of the tenth year of the reign of his said late Majesty, without the consent in writing of the Lord Advocate of *Scotland* for the time being previously had and obtained thereto.

76.
CLAUSE (P.)
Friendly Societies not to be dissolved without the consent of the Lord Advocate.

10 Provided also, and be it Enacted, That notwithstanding the abolition of such exclusive privileges as aforesaid, where any member of any such Corporation shall be *ex officio* a Trustee or Commissioner, Manager, Director, Member of Committee, or otherwise under any Act of Parliament, or any such Corporation shall in terms of any Act
15 of Parliament be entitled or required to elect a Trustee or Trustees, or other such Office-bearers as aforesaid under such Act, such member of such Corporation, if the office therein by which he is distinguished shall remain, shall continue to be such Trustee or Office-bearer aforesaid, and such Corporation, whether continued as a Corporation or resolved
20 into a Friendly Society, shall elect such Trustee or Trustees, or other Office-bearers aforesaid; as by such Act provided; and if by the operation or under the provisions of this Act, the office whereby such member of such Corporation was therein distinguished, and in respect whereof he was appointed as Trustee or other Office-bearer aforesaid shall be
25 abolished, or such Friendly Society shall be dissolved, such Trustee or Trustees or Office-bearers aforesaid shall be elected by the Magistrates and Council of the Burgh in which the Corporation existed from which such Trustee or Trustees, Commissioner or Commissioners was or were appointed.

77.
CLAUSE (Q.)
For supplying ex-officio Trustees, &c.

30 And be it Enacted, That the office of Dean of Guild and all the judicial powers thereto appertaining shall be and the same are hereby abolished, and all such judicial powers and the jurisdiction heretofore exercised by Deans of Guild shall be and the same are transferred to and conferred upon the Sheriffs of the Counties respectively in which
35 the office of Dean of Guild hereby abolished existed, and it shall be lawful for the Procurator Fiscal of any Burgh to institute in the Sheriff Court all the proceedings necessary towards the administration of the judicial duties and jurisdiction formerly belonging to the office of Dean of Guild: Provided always, That the Edile Powers and
40 jurisdiction of the Dean of Guild shall be and the same are to the extent after mentioned hereby transferred to and conferred upon the Magistrates and Council of the several Burghs in which such office of Dean of Guild hereby abolished formerly existed; and it shall be lawful for such Magistrates and Council to appoint Committees

78.
CLAUSE (E)
Jurisdiction and Judicial Powers of Dean of Guild transferred to the Sheriff.

Edile Powers of Dean of Guild transferred to Magistrates and Council.

of their own number, not exceeding Three, of whom the majority shall be a quorum, to whom it shall be necessary for any person within such Burgh intending to erect a new building or to alter the structure of any existing building therein, to give notice of such intention, and to exhibit the plans of such building or alteration 5 Fourteen Days at least before the same shall be commenced; and it shall be necessary for such person to give the like notice to all the Proprietors of houses or property conterminous to such intended new building or building to be altered; and if such intended building or alteration shall not be approved of, it shall be competent to such 10 Committee or Proprietor of conterminous property, whether he shall have received such notice or not, to institute by petition to the Sheriff such proceedings as shall be necessary for trying the merits of the question at issue according to such summary form as the Sheriffs shall direct; and the Sheriff shall try such question and 15 interdict such intended operations, or allow the same and decide otherwise therein as shall be just.

79.
Ruinous
Buildings
may be pulled
down.
Act 1663, c. 6.

And be it Enacted, That all actions or proceedings to be here-
after instituted under an Act of the Parliament of *Scotland* passed in
the year One thousand six hundred and sixty-three, intituled, "Act 20
anent ruinous Houses in Royal Burghs," shall be brought before
the Sheriff of the County, who alone shall have jurisdiction therein,
and such actions or proceedings may be instituted by the Procurator
Fiscal of the Burgh or the Committee of the Council of the Burgh in
which the houses complained of are situated, and such action or pro- 25
ceedings shall be competent not only in respect of the houses
described in the said Act, but of all houses whether inhabited or
uninhabited which are in a state dangerous to the public, and it
shall be competent and lawful for the Sheriff, upon proof of such
danger, either to order such houses to be pulled down or to be 30
repaired by the proprietor or proprietors within such period as the
Sheriff shall appoint, and in case any such house belonging to several
proprietors shall be ordered to be pulled down or shall have been
consumed by fire, and a difference shall exist among such proprietors
relative to the plan on which the same shall be rebuilt, it shall be 35
competent to any one of the proprietors to apply to the Sheriff to
have the same rebuilt upon a plan suitable to the nature and situa-
tion of the house at the expense of the whole proprietors thereof, in
proportions equal to their interests in the former building; and the
Sheriff shall on the report of such Surveyors or Builders or skilful 40
persons as he shall think fit to consult, order the house to be rebuilt
accordingly, and if the parties or any of them cannot agree or shall
refuse to contribute towards the expense of rebuilding the house, the
Sheriff may order the same to be sold by public roup at such price
and on such conditions as he on such report as aforesaid shall fix,
and

and the price to be received therefor, after deduction of all necessary expenses, shall be divided among the proprietors according to their respective interests in the subject sold.

5 And be it Enacted, That no party to any such proceeding before the Sheriff shall be obliged to take a full Extract of the proceedings before the Sheriff, or to pay for the same, unless the party shall require such Extract, and in no case shall the expense of such full Extract be payable by the Defender, and when a full Extract is not so required, the Extract of the Decree shall be in the usual short form
10 of Extracts now in use in the Sheriff Court, any law or practice to the contrary in any Dean of Guild Court heretofore notwithstanding.

80.
CLAUSE (F.)
Parties not
obliged to
take Extracts.

15 AND whereas in consequence of the changes which have taken place in the trade and commerce of *Scotland*, and in the circumstances of the Royal Burghs therein, the Convention of the Royal Burghs in use, in virtue of certain Acts of the Parliament of *Scotland*, to be held for the regulation of the affairs of such Burghs and other purposes, is now no longer requisite or useful ; BE it therefore Enacted, That from and after the First day of January next the said Convention of Royal Burghs
20 and all the powers and privileges thereof is and are hereby abolished and annulled, and no such Meetings thereof shall hereafter be held ; any law, statute, usage or custom to the contrary notwithstanding.

81.
Convention
of Burghs
abolished.

25 Provided always, and be it Enacted, That the said Convention may before the dissolution of the said Convention delegate to such Person or Persons as shall be appointed for that purpose full power to collect the Debts due to the said Convention, and to discharge all the Debts due by the Convention, and to dispose of any residue of Property or Funds thereof as the said Convention may direct ; and in the event of any difference or difficulty in relation to such Debts, or
30 any account due to or by the said Convention, or the distribution of any residue that may remain, the same shall be submitted to the Sheriff of the County of *Edinburgh* for his guidance and direction ; and the Person or Persons to be appointed as aforesaid shall in any such difficulty be directed by the said Sheriff, who shall audit such accounts, and
35 superintend and direct such proceedings as may be necessary ; and his decision thereon shall be final and conclusive.

82.
For collection
of Funds and
payment of
Debts.

40 And be it Enacted, That all the powers, privileges and authorities heretofore exercised by the said Convention of Royal Burghs in relation to the allocation of the Cess or Land-tax upon the Royal Burghs of *Scotland*, shall be transferred to and conferred upon His Majesty's Commissioners of Stamps and Taxes for the time being, by whom or any Three or more of them the same shall be exercised

83.
CLAUSE (G.)
Commission-
ers of Stamps
and Taxes to
administer
the power of
Allocation of
the Land-tax.

and administered in such and the like manner, and as fully as such powers, privileges and authorities might have been administered by the said Convention of Royal Burghs.

84.
CLAUSE (H.)
Entrance of
Burgesses
may in cer-
tain cases be
fixed by the
Sheriff.

And be it Enacted, That if the Fees or Dues of Entrance as Bur-
gess of any Burgh shall be or be raised beyond what may be their 5
just and reasonable amount, it shall be competent for any person
having an interest to make complaint by Petition thereupon to the
Sheriff, who, after citing the Magistrates and Council of such Burgh
in usual form, shall inquire into the matter of the complaint, and 10
after hearing parties and taking evidence in such manner as he shall
think fit and direct, shall decide therein and fix the amount of the
Fees or Dues of Entrance as Burgess of such Burgh as he shall
think just, and if any decision of the Sheriff in any such case shall
be brought before the Lord Ordinary on the Bills by any party 15
dissatisfied therewith, the judgment of the Lord Ordinary thereon
shall be final and conclusive and not subject to review or appeal.

85.
Application
of Penalties.

And be it Enacted, That the Penalties to be levied under this Act
shall be applied towards the defraying the Municipal and other
expenses of the Burgh, in which the same shall be so levied.

86.
Meaning of
certain Words.

And be it Enacted, That the word "Burgh" shall be held to include 20
City or Town; that the words "Magistrates and Council" shall be
held to include their successors in office; that the words "Town
Clerk" shall be held to include Town Clerk Depute; that the word
"Sheriff" shall be held to include Steward and Sheriff Substitute and
Steward Substitute; and that the word "Corporation" shall be held 25
to include Merchant or other Guild, incorporated Trade, Craft or other
exclusive Corporation (as the case may be), unless it be otherwise pro-
vided, or the subject-matter or context be repugnant to such con-
struction; and no misnomer or inaccurate description of any place
in any writing made in the form of any Schedule to this Act annexed 30
shall in any way prevent or abridge the operation of this Act, provided
such place shall be so designated as to be commonly understood.

87.
CLAUSE (R.)
Saving to the
Freemen of
Newton-
upon-Ayr.

Provided always, and be it Enacted, That nothing in this Act con-
tained shall affect or infringe upon any rights and privileges belonging
to or lawfully claimed by the Freemen of the Burgh of *Newton-upon-* 35
Ayr, and it shall be lawful for the said Freemen to elect Nine Managers
for the administration of the property of the said Freemen, and such
Managers shall, with regard to such property, possess the same powers
and authority which was formerly possessed by the Magistrates and
Council of the said Burgh. 40

88.
Acts incon-
sistent with
this Act,
repealed.

And be it Enacted, That all Laws, Statutes and usages now in
force in relation to any Burghs, Cities or Towns in that part of *Great*
Britain

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Britain called *Scotland*, in so far as inconsistent or at variance with the provisions of this Act, shall be and the same are hereby Repealed : Provided always, That the same shall in all other respects be of full force and effect.

- 5 And be it Enacted, That this Act shall be deemed and taken to come into operation in all respects other than as hereinbefore specially provided, from and after the first Election of Magistrates to take place under the provisions of this Act.

89.
CLAUSE (I.)
When Act to
come into
operation.

And be it Enacted, That this Act may be varied, altered or repealed by any Act to be passed in the present Session of Parliament.

90.
Act may be
repealed.

SCHEDULES

To which the foregoing ACT refers.

SCHEDULE (A.)

PARLIAMENTARY BOUNDARIES, except as to *Banff* and *Dumfries*, to be taken.

	NUMBER of COUNCIL.	BAILLIES.	PROVOST.
Aberbrothwick - - - - -	15	3	1
Aberdeen - - - - -	24	4	1
Airdrie - - - - -	15	3	1
Annan - - - - -	15	3	1
Ayr - - - - -	15	3	1
Banff - - - - -	12	2	1
Brechin - - - - -	15	3	1
Campbeltown - - - - -	12	2	1
Cupar - - - - -	15	3	1
Dumfries - - - - -	18	3	1
Dumbarton - - - - -	15	3	1
Dunfermline - - - - -	18	3	1
Dunbar - - - - -	12	2	1
Dundee - - - - -	24	4	1
Dysart - - - - -	12	2	1
Edinburgh - - - - -	33	4	1
Elgin - - - - -	15	3	1
Forfar - - - - -	15	3	1
Falkirk - - - - -	15	3	1
Forres - - - - -	15	3	1
Glasgow - - - - -	33	4	1
Greenock - - - - -	18	3	1
Haddington - - - - -	15	3	1
Hamilton - - - - -	15	3	1
Inverness - - - - -	15	3	1
Irvine - - - - -	15	3	1
Jedburgh - - - - -	15	3	1
Kilmarnock - - - - -	18	3	1
Kirkaldy - - - - -	15	3	1
Kirkcudbright - - - - -	12	2	1
Kirkwall - - - - -	12	2	1
Lanark - - - - -	15	3	1
Leith - - - - -	18	3	1
Linlithgow - - - - -	12	2	1
Montrose - - - - -	18	3	1
Musselburgh - - - - -	15	3	1
Paisley - - - - -	24	4	1
Peterhead - - - - -	15	3	1
Perth - - - - -	18	3	1
Port-Glasgow - - - - -	15	3	1
Portobello - - - - -	15	3	1
Rutherglen - - - - -	15	3	1
St. Andrew's - - - - -	15	3	1
Stirling - - - - -	15	3	1
Stranraer - - - - -	15	3	1
Wick - - - - -	15	3	1
Wigton - - - - -	12	2	1

SCHEDULE (B.)

ANCIENT BOUNDARIES to be observed.

	NUMBER of COUNCIL.	BAILIES.	PROVOST.
Newburgh - - - - -	9	2	0
Peebles - - - - -	12	2	1
Rothsay - - - - -	15	3	1
Selkirk - - - - -	12	2	1

SCHEDULE (C.)

PARLIAMENTARY BOUNDARIES to be taken, and Qualifications of Electors
to be £.5.

	NUMBER of COUNCIL.	BAILIES.	PROVOST.
Anstruther Easter - - - - -	9	2	0
Anstruther Wester - - - - -	9	2	0
Burntisland - - - - -	9	1	1
Crail - - - - -	9	2	0
Cromarty - - - - -	9	1	1
Cullen - - - - -	9	2	0
Culross - - - - -	9	2	0
Dingwall - - - - -	9	1	1
Dornoch - - - - -	9	1	1
Fortrose - - - - -	9	1	1
Inverary - - - - -	9	1	1
Inverbervie - - - - -	9	1	1
Inverkeithing - - - - -	9	1	1
Inverury - - - - -	9	1	1
Kilrenny - - - - -	9	2	0
Kintore - - - - -	9	2	0
Kinghorn - - - - -	9	1	1
Lauder - - - - -	9	2	0
Lochmaben - - - - -	9	1	1
Nairn - - - - -	9	1	1
New Galloway - - - - -	9	1	1
North Berwick - - - - -	9	2	0
Oban - - - - -	9	2	0
Pittenweem - - - - -	9	2	0
Queensferry - - - - -	9	2	0
Renfrew - - - - -	9	1	1
Sanquhar - - - - -	9	1	1
Tain - - - - -	9	1	1
Whithorn - - - - -	9	1	1

SCHEDULE

SCHEDULE (D.)

ANCIENT BOUNDARIES to be observed, and Qualification of Electors
to be £.5.

	NUMBER of COUNCIL.	BAILIES.	PROVOST.
Auchtermuchty - - - - -	9	2	0
Earlsferry - - - - -	9	2	0
Falkland - - - - -	9	2	0

Municipal Corporations, Scotland.

A

B I L L

[AS AMENDED ON RE-COMMITMENT]

To provide for the better Regulation of
Municipal Corporations in Scotland.

(Prepared and brought in by
Mr. Robert Stewart and the Lord Advocate.)

Ordered, by The House of Commons, to be Printed,
14 July 1836.



(Ireland.)

A

B I L L

For the Regulation of Municipal Corporations and Borough Towns in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted
in the Committee.]

WH **E**R **E**A **S** divers Bodies Corporate at sundry times have
been constituted within the Cities, Towns and Boroughs of
Ireland, to the intent that the same might for ever be and remain
well regulated and quietly governed, and it is expedient that the
5 Charters by which the said Bodies Corporate are constituted should
be altered in the manner hereinafter mentioned; **B**E **i**t **t**herefore
Enacted, by The KING's most Excellent MAJESTY, by and with
the Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the Authority
10 of the same, **T**HAT so much of all Laws, Statutes and Usages, and
so much of all Royal and other Charters, Grants and Letters Patent,
Rules, Orders and Directions now in force relating to the several
Boroughs named in the Schedules (A.), (B.) and (C.) to this Act
annexed, or to the Inhabitants thereof, or to the several Bodies or
15 reputed or late Bodies Corporate named in the said Schedules, or any
of them, as are inconsistent with or contrary to the provisions of this
Act, shall be and the same are hereby Repealed and Annulled.

Preamble.

And be it Enacted, That every Person who now is or hereafter
may be an Inhabitant of any Borough, and also every Person
20 who has been admitted or who might hereafter have been ad-
mitted a Freeman or Burgess of any Borough if this Act had
not been passed, or who now is or hereafter may be the Wife
or Widow or Son or Daughter of any Freeman or Burgess, or

1.
Repeal of all
Acts, Char-
ters and Cus-
toms incon-
sistent with
this Act.

2.
Reservation
of all rights
of property
and beneficial
exemptions to
Freemen,
their Wives
and Children.

who may have espoused or may hereafter espouse the Daughter or
 Widow of any Freeman or Burgess, or who has been or may here-
 after be bound an Apprentice, shall have and enjoy and be entitled
 to acquire and enjoy the same share and benefit of the lands, tene-
 ments and hereditaments, and of the rents and profits thereof, and of 5
 the common lands and public stock of any Borough or Body Cor-
 porate, and of any lands, tenements and hereditaments, and any sum
 or sums of money, chattels, securities for money, or other personal
 estate, of which any Person or any Body Corporate may be seised or
 possessed in whole or in part for any charitable uses or trusts, as 10
 fully and effectually, and for such time and in such manner, as he or
 she by any statute, charter, bye-law or custom in force at the time
 of *passing this Act* might or could have had, acquired or enjoyed
 in case this Act had not been passed: Provided always, That the
 total amount to be divided amongst the Persons whose rights are 15
 herein reserved in this behalf shall not exceed the surplus which
 shall remain after payment of the interest of all lawful debts
 chargeable upon the real or personal estate out of which the sums
 so to be divided have arisen, together with the salaries of Municipal
 Officers, and all other lawful expenses which, on the *Fifth day* 20
 of *June One thousand eight hundred and Thirty-five*, were defrayed
 out of or chargeable upon the same: Provided also, That nothing
 hereinbefore contained shall be construed to apply to any claim,
 right or title of any Burgesses or Freemen, or of any Person, to
 any discharge or exemption from any tolls or dues levied wholly 25
 or in part by or to the use or benefit of any Borough or Body
 Corporate; and that after the *passing of this Act*, no Person shall
 have or be entitled to claim thenceforward any discharge or ex-
 emption from any tolls or dues lawfully levied in whole or in part by
 or to the use of any Body Corporate, except as hereinafter is excepted: 30
 Provided nevertheless, That every Person who, on the said *Fifth day*
 of *June One thousand eight hundred and Thirty-five*, was an Inhabitant,
 or was or was entitled to be admitted a Freeman or Burgess of any
 Borough, or who on the said *Fifth day of June* was the Wife or Widow,
 Son or Daughter of any Freeman or Burgess of any Borough, or 35
 who on the said *Fifth day of June* was bound an Apprentice, shall
 be entitled to have or acquire and enjoy the same discharge or ex-
 emption from any tolls or dues lawfully levied in whole or in part
 by or to the use of any Borough or Body Corporate as fully and for
 such time and in such sort as he or she, by any statute, charter, bye- 40
 law or custom in force on the said *Fifth day of June*, might or
 would have had, acquired and enjoyed the same if this Act had not
 been passed, and no further or otherwise: Provided also, That where, by
 any statute, charter, bye-law or custom in force within any Borough
 at the time of *passing this Act*, any Person whose rights in this
 behalf are herein reserved would have been liable in case this Act
 had

had not been passed to pay any fine, fee or sum of money to any Body Corporate, or to any member, officer or servant of any Body Corporate, in consideration of his Freedom, or of his or her title to such rights as are herein reserved, no such Person shall be entitled
 5 to have or claim any share or benefit in respect of the rights herein reserved as aforesaid until he or she shall have paid the full amount of such fine, fee or sum of money to the Treasurer of such Borough, appointed under the provisions of this Act, on account of the Borough Fund hereinafter mentioned: Provided also, That nothing in this
 10 Act contained shall be construed to entitle any Person to any share or benefit of the rights herein reserved who shall not have first fulfilled every condition which, if this Act had not passed, would have been a condition precedent to his or her being entitled to the benefit of such rights, so far as the same is capable of being fulfilled according
 15 to the provisions of this Act, or to strengthen, confirm or affect any claim, right or title of any Burgesses or Freemen of any Borough or Body Corporate, or of any Person, to the benefit of any such rights as are hereinbefore reserved, but the same in every case may be brought in question, impeached and set aside in like manner as if
 20 this Act had not been passed.

Provided always, and be it Enacted, That from and after the *passing of this Act* no Person shall be elected, made or admitted a Burgess or Freeman of any Borough by gift or purchase.

3.
No Person to be admitted a Freeman by gift or purchase.

And be it Enacted, That after the first election of Councillors
 25 under this Act in any Borough, the Body, or reputed or late Body Corporate, named in the said Schedules in connexion with such Borough, or if there be no such Body Corporate, the Inhabitants of such Borough, qualified as hereinafter mentioned, shall take and bear the name of the Mayor, Aldermen and Burgesses of such
 30 Borough, and by that name shall have perpetual succession, and shall be capable in law, by the Council hereinafter named of such Borough, to do and suffer all acts which such Bodies Corporate lawfully may do and suffer, and shall be entitled to, invested with, and possessed of all the lawful rights, trusts, properties and estates,
 35 now or of late legally vested in or belonging, or which of right ought to belong to such Boroughs or Bodies Corporate respectively, save only and except those vested in the Charitable Trustees of such Boroughs, pursuant to the provisions hereinafter contained; and the Mayor of each of the said Boroughs shall be capable in law to do
 40 and suffer all acts which the chief officer of such Borough might or may lawfully do and suffer, so far as such powers, rights, trusts and privileges respectively are not altered or annulled by the provisions of this Act.

4.
Corporations to be styled Mayor, Aldermen and Burgesses.

5.
Boundaries of
certain Bo-
roughs to be
those settled
by 2 & 3 W. 4.
cap. 89;
Boundaries of
other Bo-
roughs to be
declared by
the Lord
Lieutenant.

And be it Enacted, That after the *passing of this Act*, the Metes and Bounds of the several Boroughs named in the said Schedules (A.) and (B.) and the first section of the Schedule (C.) respectively, shall, for the purposes of this Act, be the same as the limits thereof respectively settled and described in an Act passed in the second and third years of the reign of His present Majesty, intituled, "An Act to settle and describe the Limits of Cities, Towns and Boroughs in Ireland, in so far as respects the Election of Members to serve in Parliament;" and the Metes and Bounds of the several Boroughs named in the second section of the said Schedule (C.) shall, for the purposes of this Act, be and remain as the same are now taken to be by virtue of any charter or usage, until such time as Parliament shall otherwise direct.

6.
Occupiers of
House and
Shops of the
value of 10*l.*
in Boroughs
named in
Schedule (A.)
and of the
value of 5*l.*
in Boroughs
named in
Schedules
(B.) & (C.)
entitled to be
Burgesses, if
resident
within Seven
Miles.

And be it Enacted, That after the *passing of this Act*, every man of full age, who shall on the *last day of August* in any year be an inhabitant householder, resident within any Borough named in the said Schedule (A.), or within *Seven Statute Miles* of the said Borough, and shall hold and occupy within such Borough any house, warehouse, counting-house, office or shop, which either separately or jointly with any land within such Borough occupied therewith by him as tenant under the same landlord, or occupied therewith by him as owner, shall be truly and really of the full yearly value of *Ten Pounds* or upwards, shall, if duly enrolled, according to the provisions hereinafter contained, be a Burgess of such Borough, and Member of the Body Corporate of the Mayor, Aldermen and Burgesses of such Borough; and that after the *passing of this Act*, every man of full age who shall, on the *last day of August* in any year, be an inhabitant householder, resident within any Borough named in the said Schedules (B.) and (C.), or within *Seven Miles* of such Borough, and shall hold and occupy within such Borough any house, warehouse, counting-house, office or shop, which shall be truly and really of the full yearly value of *Five Pounds* or upwards, shall, if duly enrolled according to the provisions hereinafter contained, be a Burgess of such Borough, and a Member of the Body Corporate of the Mayor, Aldermen and Burgesses of such Borough: Provided always, That no such occupier shall be admitted to be enrolled under this Act, unless he shall have occupied such premises within said Borough, or other premises of the like nature within the said Borough, really and truly of the full yearly value of *Ten Pounds* or *Five Pounds* respectively, as the case may be, for the space of *Six* calendar Months at the least next preceding such enrolment; nor unless such occupier shall have paid or discharged all such Grand Jury and Municipal cesses, rates and taxes, if any, which shall have become legally due and payable by, and been demanded from him in respect of such premises, except such as shall have been imposed or become

become due, within *Three* calendar Months next before such enrolment: Provided, That in every case provided in this Act the distance of *Seven* Miles shall be computed by the nearest public road or way by land or water: Provided, That no Person, being an alien, shall be
 5 so enrolled in any year, and that no Person shall be enrolled, who within *Twelve* calendar Months next before the said *last* day of *August*, shall have received any pension or charitable allowance from any fund intrusted to the Charitable Trustees of such Borough hereinafter mentioned, other than medical or surgical assistance; and
 10 provided that no Person shall be disqualified from being enrolled as a Burgess by reason that any child of such Person shall have been admitted and taught within any public or endowed school.

And be it Enacted, That where any house, warehouse, office, counting-house or shop in any Borough shall come to any Person
 15 by descent, marriage, marriage-settlement, devise or promotion to any benefice or office, such Person shall be entitled to reckon the holding and occupancy thereof by the Person from or by whom such house, warehouse, office, counting-house or shop shall have so come to him, as his own holding and occupancy, conjointly with the
 20 time during which he shall have since held and occupied the same, and shall be entitled to be enrolled a Burgess in respect of such successive holding and occupancy, provided he shall be otherwise qualified as herein provided.

And be it Enacted, That if any Person who shall have been
 25 enrolled a Burgess of any Body Corporate within any Borough, according to the provisions of this Act, shall at any time thereafter cease to hold and occupy a house, warehouse, office, counting-house or shop within the Borough, or cease to be an inhabitant householder within the same, or within *Seven* Miles thereof, or neglect
 30 or refuse to pay such cesses, rates and taxes as aforesaid, due and demanded from him at the time of the revision of the Burgess Roll, except as hereinbefore is excepted, his name shall at the then next revision of the Burgess Roll be struck out from the said Burgess Roll, and he shall thereupon cease to be a Burgess and member of the said
 35 Body Corporate: Provided nevertheless, That at any future revision of the Burgess Roll, he shall be entitled again to be and be enrolled a Burgess and member of the said Body Corporate, when he shall be duly qualified, as herein provided.

And be it Enacted, That after the *passing of this Act* no Person
 40 shall be elected or enrolled a Burgess of any Borough for the purpose of enjoying the rights conferred for the first time by this Act, in respect of any right or title other than by residence, occupancy and payment of cesses, rates and taxes within such Borough, accord-

7.

In case of
Titles by
descent, &c.
how the occu-
pation is to be
reckoned.

8.

Burgesses who
cease to be
occupiers
within the
Borough, or
neglect to pay
their rates, to
be omitted
from the Bur-
gess Roll, but
may be re-
stored at any
subsequent
revision of the
Burgess Roll.

9.

No Burgess
to be elected
who is not
qualified under
this Act.

ing to the meaning and provisions of this Act; and from and after the *passing of this Act*, no Person shall be elected, made or admitted a Burgess or Freeman of any Borough by gift or purchase.

10.

Persons who before the passing of this Act were entitled to vote for Members of Parliament, may still enjoy such right.

AND whereas the right of voting in the Election of Members to serve in Parliament was, by an Act passed in the second and third 5 years of the reign of His present Majesty, intituled, "An Act to amend the Representation of the People of Ireland," preserved to all Freemen, Freeholders and Persons who, by reason of any Corporate or other right, were then by law entitled to vote at the Election of a Member or Members to serve in Parliament for any City, Town or 10 Borough, and all Persons who, by reason of birth, marriage or service, or of any statute then in force, should be at any time thereafter admitted to their Freedom in any City, Town or Borough, subject to the conditions and provisions in that Act contained; BE it Enacted, That every Person who, if this Act had not been passed, would have 15 enjoyed, or might hereafter have acquired, in respect of birth or marriage or servitude as a Freeman, the right of voting in the Election of a Member or Members to serve in Parliament for any City, Town or Borough, shall be entitled to acquire and enjoy such right of voting as fully as if this Act had not been passed. 20

11.

Churchwardens of each Parish to make out Lists in this present year of Persons qualified as Burgesses in each Borough.

And be it Enacted, That on or before the *Fifth* day of *September* in this year, the churchwardens of every parish, wholly or in part within any Borough, shall make out an alphabetical List, according to the Form Number 1, in the Schedule (D.) to this Act annexed, of all Persons, with their respective residences, who shall be entitled 25 to be enrolled in the Burgess Roll according to the provisions of this Act, in respect of property within such Parish and Borough, and shall sign such List, and deliver the same, on the said *Fifth* day of *September*, to the Town Clerk, or person acting as such; and if there shall be no Town Clerk, to the Mayor, Provost or other chief 30 officer of the Corporate Body, or the Person acting as such; and when there shall be no such officer, then to the Person appointed by the Lord Lieutenant, as hereafter directed; and shall keep a true copy of such List, to be perused by any Person without payment of any fee, at all reasonable hours between the said *Fifth* and the *Fifteenth* 35 days of *September* aforesaid.

12.

Extra-parochial places, &c.

And be it Enacted, That in extra-parochial places, and in Parishes where there is no Churchwarden, or where the Churchwarden may be absent or incapable of acting, the Lord Lieutenant shall appoint, by writing under his hand, a proper person to perform the duty of 40 Churchwarden under this Act, and the acts of such person shall be as valid as if done by a Churchwarden.

And

And be it Enacted, That on or before the *Fifth* day of *September* in every succeeding year, the Town Clerk of such Borough shall make out an alphabetical List, according to the said Form Number 1, in the Schedule (D.) to this Act annexed, of all persons who shall be entitled to be enrolled in the Burgess Roll of that year within such Borough, and shall sign such List, and shall on that day deliver a true copy of such List, signed by himself, to the Mayor of such Borough, and shall himself keep such original List, to be perused by any person without payment of any fee, at all reasonable hours between the *Fifth* and the *Fifteenth* days of *September* in every year; and the Town Clerk shall forthwith cause copies to be printed of all Lists delivered to him by the Churchwardens, and of all Lists made out by himself, or under his direction; and shall deliver a copy of all such Lists to any person requiring the same, on payment of a sum of *One Shilling* for each copy; and shall cause a copy of all such Lists to be fixed on or near the outer door of the Town Hall, or in some public and conspicuous situation within the Borough, on every day during the week next preceding the *Fifteenth* day of *September* in every year: Provided always, That in any Borough in which there shall be no Town Clerk, or in which the Town Clerk shall be incapable of acting, all matters by this Act required to be done by and with regard to the Town Clerk shall be done by and with regard to the Person executing duties in such Boroughs similar to those of Town Clerk; and if there be no such Person, or if such Person shall be incapable of acting, then by and with regard to such fit Person as the Mayor of such Borough shall appoint in that behalf.

13.
Town Clerk
to make out
Lists in Bo-
roughs.

And be it Enacted, That every Person whose name shall have been omitted in any such List, and who shall claim to have his name inserted on the Burgess Roll, shall, on or before the *Fifteenth* day of *September* in every year, give notice thereof to the Town Clerk in writing, according to the Form Number 2, in the said Schedule (D.), or to the like effect; and every Person whose name shall have been inserted in any such List for any Borough may object to any other Person as not being entitled to have his name retained in the Burgess Roll for the same Borough; and every Person so objecting shall, on or before the *Fifteenth* day of *September* in every year, give to the Town Clerk of such Borough, and also to the Person objected to, or leave at the premises in respect of which his name shall have been inserted in such List, notice thereof in writing, according to the Form Number 3, in the said Schedule (D.), or to the like effect; and every Town Clerk shall include the names of all Persons so claiming in a List, according to the Form Number 4, in the said Schedule (D.); and the names of all Persons so objected to in a List, according to the Form Number 5, in the said Schedule (D.),

14.
Persons omit-
ted from the
Lists to give
notice to the
Town Clerk.

Notices as to
Persons not
entitled to be
retained in the
Lists.

Lists of
Claimants,
and of Persons
objected to, to
be published,
&c.

and shall cause copies of such Lists to be fixed on or near the outer door of the Town Hall, or in some public and conspicuous situation within such Borough, during the *Eight* Days next preceding the *First* day of *October* in every year; and the Town Clerk shall likewise keep a copy of the names of all the Persons so claiming as aforesaid, and also a copy of the names of all Persons so objected to as aforesaid, to be perused by any Person without payment of any fee, at all reasonable hours, during the *Eight* days, Sunday excepted, next preceding the *First* day of *October* in every year, and shall deliver a copy of each of such Lists to any Person requiring the same, on payment of a sum not exceeding *One* Shilling for each copy.

15.
Mayor to
revise Lists,
and upon due
proof to insert
and expunge
Names.

And be it Enacted, That the Mayor of every Borough, and the Two Assessors hereinafter mentioned, shall hold an open Court within such Borough, for the purpose of revising the said Lists, at some time between the *First* day of *October* inclusive, and the *Fifteenth* day of *October* inclusive, in every year, having first given *Three* clear days' notice of the holding of such Court, to be fixed on or near the door of the Town Hall, or in some public and conspicuous situation within the Borough; and the Town Clerk of every such Borough shall, at the opening of the Court, produce the said Lists before him, and a copy of the Lists of the Persons claiming and of the Persons objected to, so made out as aforesaid; and the several Churchwardens for the present year of every Parish wholly or in part within every such Borough, shall attend the Court to be holden in this present year; and such Town Clerk and Churchwardens respectively, shall answer upon oath all such questions as the Court may put to them, or any of them, touching any matter necessary for revising the said Lists; and the Mayor shall insert in such Lists the name of every Person who shall be proved, to the satisfaction of the Court, to be entitled to be enrolled in the Burgess Roll, according to the provisions of this Act; and shall retain on the said Lists the names of all Persons to whom no objection shall have been duly made and sustained; and where the name of any Person inserted in any one of the said Lists shall have been duly objected to, and the Person objecting shall appear by himself, or by some one on his behalf, in support of such objection, the Court shall require proof of the qualification of the Person so objected to; and in case the qualification of such Person shall not be proved to the satisfaction of the Court, the Mayor shall expunge the name of every such Person from the said Lists; and he shall also expunge from the said Lists the name of every Person who shall be proved to be dead, and shall correct any mistake or supply any omission which shall be proved to have been made in any of the said Lists in respect to the name or place of abode, or local description of the property of any

Power to
rectify mis-
takes in the
Lists.

any Person who shall be included in any such List : Provided always, That no Person's name shall be inserted by the Mayor in any such List, or shall be expunged therefrom, except in the case of death, unless notice shall have been given as is hereinbefore required in
 5 each of the said cases : Provided also, That no ground of objection shall be inquired into at any such Court other than is stated in some notice so given as aforesaid.

And be it Enacted, that every Mayor holding any Court under this Act for the revision of the said Lists, shall have power to ad-
 10 journ the same from time to time, so that no such adjourned Court shall be held after the *Fifteenth* day of *October* in any year, and shall have power to require any High Constable, Churchwarden or other Person authorized to applot, collect or levy any Grand Jury cess, or Municipal rate or tax, within any Parish wholly or in
 15 part within the Borough, or other Person or Persons having the custody of any book of applotment or rate or valuation, to produce the same, and allow the same to be inspected at any Court to be held for revision of the Burgess Roll, and shall have power to administer an Oath to the Town Clerk and Churchwardens, and to all
 20 Persons claiming to be inserted in or making objection to the omission or insertion of any name in the said Lists, and to all Persons objected to in any of such Lists, and to all Persons claiming to have any mistake in any such Lists corrected, and to all Witnesses who may be tendered or examined on either side ; and
 25 if any Person taking any oath or making any affirmation under this Act shall wilfully swear or affirm falsely, such Person shall be deemed guilty of *Perjury*, and shall be punished accordingly ; and the Mayor and Assessors shall, upon hearing in open Court, determine upon the validity of such claims and objections, and the Mayor
 30 shall, in open Court, write his initials against the names respectively struck out or inserted, and against any part of the said Lists in which any mistake shall have been corrected, and shall sign his name to every page of the several Lists so settled.

And be it Enacted, That the Lists so revised and signed as last
 35 aforesaid, shall be delivered by the Mayor to the Town Clerk of such Borough, who shall keep the same, and shall cause the said Lists to be fairly and truly copied into one general Alphabetical List in a book to be by him provided for that purpose, with every name therein numbered, beginning the numbers from the first name,
 40 and continuing them in a regular series to the last name, and shall cause such book to be completed on or before the *Twenty-second* day of *October* in every year, and shall deliver such book, together with the Lists, at the expiration of his office, to the Person succeeding him in such office ; and every such book shall be the

16.

Mayor, on revising the Lists, to have power of adjourning, of administering Oaths, &c. and shall settle and sign the Lists in open Court.

17.

Borough List to be kept by the Town Clerk.

List to be copied into Books, with the Names numbered.

Such Book to be the Register of Voters, from which Election shall be made.

Burgess Roll of the Burgesses of such Borough entitled to vote after the *passing of this Act* in the choice of the Council, Assessors and Auditors of such Borough as hereinafter mentioned, at any election which may take place in such Borough between the *Twenty-fifth* day of *October* inclusive, in the year wherein such Burgess Roll shall have been made, and the *Twenty-fifth* day of *October* in the succeeding year; provided that no Stamp Duty shall be payable in respect of the admission, registry or enrolment of any Burgess, according to the provisions of this Act.

No Stamp Duty payable on enrolment.

18.

Mayor wilfully and corruptly expunging or not inserting any Name liable to an action.

And be it Enacted, That if any such Mayor shall wilfully and corruptly expunge the name of any Person duly entitled to be enrolled on the said Burgess Roll, or shall wilfully and corruptly disallow the claim of any such Person duly entitled to have his name inserted in such Burgess Roll, such Mayor shall be liable to be sued by way of Civil Bill, in an action of debt for the penal sum of *Ten* Pounds, at the suit of such Person, in the Court of the Assistant Barrister, Chairman or Recorder, having jurisdiction by way of Civil Bill within such Borough; and if any such Mayor shall wilfully and corruptly insert or retain in such List the name of any Person who shall not be duly entitled to be enrolled on such Burgess Roll, such Mayor shall be liable to be sued by way of Civil Bill in an action of debt for the penal sum of *Ten* Pounds, at the suit of any Burgess of the said Borough, who shall sue for the same in the Court of the Assistant Barrister, Chairman or Recorder, having jurisdiction by way of Civil Bill within such Borough; and the Defendant in such action respectively, being convicted, shall pay such penal sum so awarded, with full costs of suit, to the party who may sue for the same; and if any Mayor, Town Clerk or Churchwarden shall wilfully neglect to make out such Lists, or wilfully omit the name of any Person which ought to be inserted thereon, or wilfully insert or retain on such Lists the name of any Person which ought not to be inserted thereon, or wilfully neglect or refuse to perform the duties or any part thereof by this Act imposed, he shall be deemed guilty of a *Misdemeanor*, and may be indicted and punished accordingly.

Mayor, Town Clerk, or Churchwarden neglecting duty, guilty of a Misdemeanor.

19.

Copies of Burgess Roll to be made for sale.

And be it Enacted, That the Town Clerk of every Borough shall cause to be written or printed copies of the Burgess Roll in every year, and shall deliver such copies to all Persons applying for the same, on payment of a reasonable price for each copy; and the monies arising from the sale thereof, and of the Churchwardens' and Town Clerks' Lists, and of the Lists of claims and objections as aforesaid, shall be paid over to the Treasurer of such Borough, and shall be applied by him in aid of the Borough Fund hereinafter mentioned.

And

And be it Enacted, That the Council of every Borough shall take an account of the reasonable expenses incurred in carrying into effect the several provisions of this Act, so far as relates to the said Lists, and shall order the Treasurer of the said Borough to pay the
5 same out of the Borough Fund of the said Borough.

And be it Enacted, That in every Borough shall be elected, at the time and in manner hereinafter mentioned, a certain number of fit Persons who shall be and be called "The Aldermen" of such Borough, and a certain number of other fit Persons who shall be called "The
10 Councillors" of such Borough, and one fit Person who shall be and be called "The Mayor" of such Borough; and the number of Persons to be so elected Councillors of such Borough shall be the number of Persons in that behalf mentioned in conjunction with the name of such Borough in the Schedules (A.), (B.) and (C.) to this Act annexed;
15 and the number of Persons so to be elected Aldermen shall be *One-third* of the number of Persons so to be elected Councillors; and such Mayor, Aldermen and Councillors for the time being, or so many of them as shall at any time be elected and have accepted the offices, shall be and be called the Council of such Borough.

And be it Enacted, That no Person being in Holy Orders, or being the regular Minister of any Dissenting Congregation, shall be qualified to be elected, or to be a Councillor, or an Alderman, of any Borough, nor shall any Person be qualified to be elected, or to be a Councillor or an Alderman of any Borough, named in said
25 Schedule (A.) to this Act annexed, who shall not be entitled to be on the Burgess List of such Borough, nor unless he shall be seised or possessed of real or personal estate, or of both, of the clear value of *One thousand* Pounds above what will satisfy his debts; nor shall any Person be qualified to be elected or to be a Councillor or an
30 Alderman of any Borough named in the said Schedules (B.) and (C.) to this Act annexed, or either of them, who shall not be entitled to be on the Burgess List of the Borough for which he is elected, nor unless he shall be seised or possessed of real or personal estate, or of both, of the clear value of *Five hundred* Pounds above what will
35 satisfy his debts; nor shall any Person be qualified to be elected, or to be a Councillor or an Alderman of any Borough during such time as he shall hold any office or place of profit other than that of Mayor in the gift or disposal of the Council or Charitable Trustees of such Borough, or during such time as he shall have directly or indirectly,
40 by himself or his partner, any share or interest in any contract or employment with, by or on behalf of such Council or Charitable Trustees; provided that no Person shall be disqualified from being a Councillor or Alderman of any Borough as aforesaid by reason of his being a proprietor or shareholder of or in any Company which

shall contract with the Council of such Borough for lighting or supplying with water any part of the said Borough, or insuring against fire any property therein.

23.
Who shall
vote in the
election for
Councillors.

And be it Enacted, That every Burgess of any Borough who shall be enrolled on the Burgess Roll for the time being of such Borough, shall be entitled to vote in the election of Councillors, and of the Auditors and Assessors hereinafter mentioned for such Borough; and no Person who shall not be enrolled in such Burgess Roll for the time being shall have any voice or be entitled to vote in any such election.

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24.
Directing the
Election of
Aldermen and
Councillors.

And be it Enacted, That on the *Twenty-fifth* day of *October* in this present year, the Burgesses in each Borough mentioned in said Schedules, and not divided into Wards as hereinafter directed, shall elect from among the Persons qualified to be Councillors of such Borough, the number of Persons mentioned in the Schedules to this Act annexed, in conjunction with such Borough, as the number of Aldermen and Councillors of said Borough; and *One-fourth* part of the Persons so elected, being those who shall have the greatest number of votes, shall be the Aldermen of said Borough, and the remaining *Three-fourths* shall be the Councillors of such Borough.

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25.
One-third part
of the Council
to go out of
office an-
nually.

And be it Enacted, That upon the *Twenty-fifth* day of *October*, *One thousand eight hundred and Thirty-seven*, and in every succeeding year, *One-third* part of the number appointed as aforesaid to be the whole number of the Councillors of every Borough shall go out of office; and the Burgesses then enrolled in the Borough shall elect the number of Councillors needed to supply the vacancies thereupon existing in the number of Councillors; and in the said year *One thousand eight hundred and Thirty-seven*, those who shall so go out of office shall be the Councillors who were elected under the provisions of this Act, by the smallest numbers of votes in this present year; and in the next year, *One thousand eight hundred and Thirty-eight*, those who shall so go out of office shall be the Councillors who were elected under the provisions of this Act, by the next smallest numbers of votes in this present year; the majority of the whole Council always determining, when the votes for any such Persons shall have been equal, or in case there shall have been no contest, who shall be the Persons so to go out of office; and thereafter those who shall so go out of office shall always be the Councillors who have been for the longest time in office without re-election: Provided always, That any Councillor so going out of office shall be capable of being forthwith re-elected, if then qualified as herein provided.

25

30

35

And

26.

361

One-half the
Number of
Aldermen to
go out of
office every
Three Years.

And be it Enacted, That on the *Twenty-fifth* day of *October One thousand eight hundred and Thirty-nine*, and in every *Third* succeeding year, *One-half* of the number appointed to be the whole number of the Aldermen of every Borough shall go out of office, and the Burgesses then enrolled in the Borough shall elect the number of Aldermen needed to supply the vacancies thereupon existing in the number of Aldermen; and in the year *One thousand eight hundred and Thirty-nine*, the Aldermen who shall go out of office shall be the Aldermen who were elected by the smallest number of votes in this year, and the majority of the Council determining when the votes for any such Persons shall have been equal, or in case there shall have been no contest, who shall be the Aldermen first to go out of office, and thereafter those who shall go out of office shall always be those who have been Aldermen for the longest time without re-election: Provided always, That any Alderman, on going out of office, may be forthwith re-elected if then qualified.

27.

Elections, how
to be held.

And be it Enacted, That every election of Aldermen or of Councillors within any Borough, according to the provisions of this Act, shall be held before the Mayor and Assessors for the time being of such Borough, except as herein is excepted; and the voting at every such election shall commence at *Nine* of the clock in the forenoon, and shall finally close at *Four* of the clock in the afternoon of the same day, and shall be conducted in manner following; (that is to say) every Burgess entitled to vote in the election may vote for any number of Persons, not exceeding the number of Aldermen or Councillors then to be chosen, by delivering to the Mayor a Voting Paper, containing the christian names and surnames of the Persons for whom he votes, with their respective places of abode and descriptions, such paper being previously signed with the name of the Burgess voting, and with the name of the street, lane or other place in which the property in respect of which he is enrolled is situated.

Mode of
voting.

28.

Polling-booths
to be pro-
vided.

And be it Enacted, That at every election under this Act in any Borough, the Mayor, if it shall appear to him expedient for taking the Poll at such election, may cause Booths to be erected, or Rooms to be hired and used as such Booths for different parts of such Borough, and such Booths or Rooms may be situated either in one place or in several places, and shall be so divided and allotted into compartments as to the Mayor shall seem most convenient; and the Mayor shall appoint a Clerk to take the Poll at each compartment, and shall cause to be affixed on the most conspicuous part of each of the said Booths the Names of the Parts of the Borough for which such Booth is respectively allotted; and no Person shall be admitted to vote at any such election, except at the Booth allotted for the part wherein the house,

warehouse, counting-house, office or shop occupied by him as described in the Burgess Roll may be ; but in case no Booth shall happen to be provided for any particular part as aforesaid, the votes of the Persons voting in respect of property situate in any part so omitted may be taken at any of the said Booths ; and public notice of the situation, division and allotments of the different Booths shall be given *Two Days* before the commencement of the Poll by the Mayor ; and in case the Booths shall be situated in different places, the Mayor may appoint a Deputy to preside at each place : Provided, That no Election shall be holden under this Act in any Borough in any church, chapel, or other place of public worship. 5 10

29.

No inquiry of the Voter, except as to his identity, and whether he has voted before at the same Election.

And be it Enacted, That no inquiry shall be permitted at any election as to the right of any Person to vote as a Burgess in any Borough, except only as follows ; (that is to say) that the Mayor or other presiding officer shall, if required by any two Burgesses entitled to vote in the same Borough, put to any Voter at the time of his delivering in his voting paper, and not afterwards, the following Questions, or any of them, and no other : 15

Forms of Questions as to these points.

1. Are you the Person whose name is signed as A. B. to the voting paper now delivered in by you ? 20

2. Are you the Person whose name appears as A. B. on the Burgess Roll now in force for this Borough, being registered therein for property described to be situated in ?
[here specify the Street, &c. as described in the Burgess Roll.] 25

3. Have you already voted at the present election ?

And no Person required to answer any of the said Questions shall be permitted or qualified to vote until he shall have answered the same ; and if any Person shall wilfully make a false Answer to any of the Questions aforesaid, he shall be deemed guilty of a *Misdemeanor*, and may be indicted and punished accordingly. 30

30.

Result of Election, how to be declared.

And be it Enacted, That the Mayor and Assessors shall examine the voting papers so delivered as aforesaid, for the purpose of ascertaining which of the several Persons voted for are duly elected ; and so many of such Persons, being equal to the number of Persons then to be chosen, as shall have the greatest number of votes, shall be deemed to be elected ; and in case of an equality in the number of votes for any two or more Persons, the Mayor and Assessors, or any *Two* of them, shall name from amongst those Persons for whom the number of votes shall be equal, so many as shall be necessary to complete the requisite number of Persons to be chosen ; and the Mayor shall cause 35

cause the voting papers to be kept in the office of the Town Clerk during *Six* calendar Months at the least after every such election ; and the Town Clerk shall permit any Burgess to inspect the voting papers of any year on payment of *One* Shilling for every search ; and
 5 the Mayor shall publish a List of the Names of the Persons so elected, not later than *Two* of the clock in the afternoon of the day next but one following the day of such election, unless such day be Sunday, and then on the Monday following : Provided always, That if the Mayor or any Assessor of any Borough shall at the time
 10 when it shall be necessary to execute the powers and duties herein provided, with respect to electors, be dead, absent or otherwise incapable of acting, the Council of such Borough shall forthwith elect one of the Aldermen to execute all such powers and duties in his place, whose acts shall be as valid as any act of the Person instead
 15 of whom he shall have been so elected.

And be it Enacted, That on the *Tenth* day of *November* in the year *One thousand eight hundred and Thirty-six*, and in every succeeding year, the Burgesses of every Borough shall elect from the Persons qualified to be Councillors, by a majority of votes, *Two* Bur-
 20 gesses who shall be and be called Auditors of such Borough, and *Two* Burgesses who shall be and be called Assessors of such Borough, and every such Auditor and Assessor shall continue in office until the *Tenth* day of *November* in the year following his election ; and the election of such Auditors and Assessors respectively shall be in form
 25 and manner hereinbefore provided for the election of Councillors : Provided nevertheless, That in every such election of Auditors or Assessors, no Burgess shall vote for more than *One* Person to be an Auditor or Assessor : Provided also, That no Burgess shall be
 30 eligible to be or be elected such Auditor or Assessor as aforesaid, who shall be of the Council, or the Town Clerk, or Treasurer of such Borough.

31.
Election of
Auditors and
Assessors.

And be it Enacted, That after the declaration of the first election of the Councillors under the provisions of this Act in any Borough, the Mayor, Aldermen and Common Councilmen, and all other mem-
 35 bers of the Common Council or Governing Body of the Body Corporate, if any, named in conjunction with such Borough in the said Schedules (A.), (B.) and (C.), by whatever name or style they may be known or called, then in office, or elected to any office, shall go out of office, and their whole powers and duties shall cease : Provided nevertheless,
 40 That any of the said Persons shall be eligible to be elected and appointed under the provisions of this Act : Provided also, That such Persons as by virtue of any Charter are Justices of the Peace in any Borough at the time of *passing this Act*, shall continue to have and exercise all the powers which at the time of *passing this Act* they have as Justices of

32.
Existing
Mayors and
Councils to go
out of Office
on election of
Councils under
this Act.

the Peace, until the *First* day of *December* next, and no longer : Pro-
 vided also, That in every Borough in which, by statute, charter, bye-law
 or custom, any election is appointed to be holden between the day of
 the *passing of this Act* and the said *Twenty-fifth* day of *October*, both
 inclusive, no such election shall be holden ; but every Person holding 5
 office or elected to any office in any Borough on the day of the *passing*
of this Act, shall hold such office, and have all the powers, and be sub-
 ject to all the duties, and be entitled to the same or a proportion of the
 same salary and fees of such office for the time for which he shall act,
 as he would have had and been, if elected to such office between the 10
 day of the *passing of this Act* and the said *Twenty-fifth* day of *October*,
 until the time provided by this Act for him to go out of office ; any
 statute, charter, bye-law or custom notwithstanding.

33.
 Certain Bo-
 roughs to be
 divided into
 Wards.

AND whereas it is expedient that certain Boroughs of large popula-
 tion should be divided into Wards before any election of Councillors 15
 for such Boroughs shall take place ; BE it Enacted, That every Borough
 in the said Schedules (A.) and (B.) shall be divided into the number of
 Wards mentioned in such Schedule, in conjunction with the name of
 such Borough ; provided, that Parliament, by an Act to be passed in
 this present Session, shall direct in what manner such division shall be 20
 made, and shall apportion among the several Wards of such Borough
 the number of Councillors and Aldermen mentioned in conjunction
 with the name of such Borough in the said Schedule, so that the number
 of Councillors assigned to each Ward may be a number divisible by
Three, and the number of Aldermen *One-third* of the number of 25
 Councillors ; and in that case the number of Councillors and Aldermen
 so assigned to each Ward of such Borough shall thenceforth be the
 number to be elected in such Ward as hereinafter mentioned.

34.
 Election of
 Councillors
 and Assessors
 in Wards.

And be it Enacted, That in every case in which there shall be a
 division into Wards of any Borough, the Burgesses of every such Ward, 30
 and none others, shall, on the *Twenty-fifth* day of *October* next,
 separately elect from the Persons qualified to be Councillors, the whole
 number of Aldermen and Councillors assigned to such Ward ; and the
One-fourth of the Persons so elected, who shall have the greatest number
 of votes shall be the Aldermen of such Ward, and the remaining *Three-* 35
fourths shall be the Councillors of such Ward ; and the Burgesses of
 such Ward, and none others, in every subsequent year, shall separately
 elect from the Persons qualified to be Councillors *One-third* part of the
 whole number of Councillors assigned to such Ward, and in every
Third subsequent year *One-half* of the whole number of Aldermen 40
 assigned to such Ward, and on the *First* day of *November* next
 after the first election of Councillors in such Ward, and in every
 subsequent year, shall separately elect from the Persons qualified to be
 Councillors *Two* Assessors for such Ward, besides the *Two* Assessors
 chosen

chosen as aforesaid by the Burgesses of the whole Borough, to hold the Court with the Mayor for revising the Burgess Lists; and every such Ward election first after such division into Wards of any Borough shall be held before the Mayor, or the Person whom the Mayor for the time being shall and he is hereby required to appoint in that behalf, and in every succeeding year shall be held before the Alderman whom the Councillors chosen in such Ward shall yearly appoint in that behalf, and before the *Two* Assessors of such Ward; and the votings and other proceedings in all other respects at such Ward elections shall be conducted in the same manner as at elections of Aldermen, Councillors or Assessors respectively by the Burgesses of the whole Borough, and the Alderman and Assessors of each Ward, and the Persons who may be so appointed shall have the same powers in regard to elections in their Ward as the Mayor and Assessors for the whole Borough if not divided into Wards; and every Person so elected an Alderman, Councillor or Assessor in such Ward shall hold his office for the same time that he would have held it if he had been elected by the Burgesses of the whole Borough, and if the number elected in such Ward had been the whole number for the Borough.

20 And be it Enacted, That for the purpose of better ascertaining who are the Burgesses of any such Ward, the Burgess Roll of every Borough so divided into Wards shall thenceforward yearly be made out by or under the direction of the Town Clerk, in Alphabetical Lists of the Burgesses in each Ward, to be called "Ward Lists."

35.
Lists of the
Burgesses in
each Ward to
be made out
yearly.

25 And be it Enacted, That after such division into Wards every Burgess of any Borough shall be entitled to vote in the election of the Aldermen and Councillors to be chosen within that Ward in which some part of the property of such Burgess, in respect of which he is enrolled on the Burgess Roll for the time being of such Borough, shall appear to be situated, and not otherwise; and in case it shall happen that any Burgess shall be enrolled in respect of property in two or more Wards, then he shall be entitled, if otherwise duly qualified, according to the provisions of this Act, to be enrolled and vote in such one of the said Wards as he shall at the time of his enrolment select, but not in more than one.

36.
Burgesses to
vote for the
Councillors of
the Ward in
which their
property is
situated.

And be it Enacted, That if at any election of Aldermen, Councillors or Assessors for any Borough, any Person shall be elected an Alderman, Councillor or Assessor in more than one of the Wards of such Borough, he shall, within *Three* Days after notice thereof, choose, or in his default the Mayor shall declare for which one of the said Wards such Alderman, Councillor or Assessor shall serve, and such Person shall thereupon be held to be elected in that Ward only which he shall so choose, or which the Mayor shall so declare.

37.
Manner of
proceeding if
any Person is
elected a
Councillor in
more than one
Ward.

38.
Occasional
Vacancies in
the Council
to be filled up
by fresh
Election.

And be it Enacted, That if any extraordinary vacancy shall be occasioned in the office of Alderman, Councillor, Auditor or Assessor, for any Borough, the Burgesses entitled to vote shall, on a day to be fixed by the Mayor of such Borough, or by the Alderman of the Ward in which the vacancy has happened, accordingly as the election is to be by the Burgesses of the whole Borough, or of any particular Ward, (such day not to be later than *Ten* Days after such vacancy), elect from the Persons qualified to be Councillors another Burgess to supply such vacancy; and such election shall be held, and the voting and other proceedings, in case of a contest, shall be conducted in the same manner, and subject to the same provisions, as are hereinbefore enacted with respect to the election of Councillors as aforesaid; and every Person so elected shall hold such office until the time at which the Person in room of whom he was chosen, would regularly have gone out of office, and he shall then go out of office, but shall be capable of immediate re-election, if then qualified as herein provided: Provided always, That after the full number to be regularly elected of the Council in any year shall have declared their acceptance of office, no new election of Councillors shall be made by reason of such extraordinary vacancy, unless the number of Councillors remaining after such vacancy shall not exceed *Two-thirds* of the whole number of the Council of such Borough.

39.
Election of
Mayor by
Council.

And be it Enacted, That on the *First* day of *November* in every year, the Council of the Borough shall elect out of the Aldermen or Councillors of such Borough a fit Person to be the Mayor of such Borough, who shall continue in his office for *One* whole Year; and in case of an equality of votes in any election of Mayor, the Alderman who shall have been elected by the greatest number of votes shall have a second or casting vote; and in case a vacancy shall be occasioned in the office of Mayor of the Borough during such year, by reason of any Person who shall have been elected to such office not accepting the same, or by reason of his dying or ceasing to hold the said office, the Council of the Borough shall, within *Ten* Days after such vacancy, elect out of the Aldermen or Councillors of the said Borough another fit Person to be the Mayor thereof for the remainder of the then current year.

40.
Election of
Aldermen of
the Wards.

And be it Enacted, That in case any extraordinary vacancy shall be occasioned in the office of Alderman by reason of any Person who shall have been elected to such office not accepting the same, or by reason of his dying or ceasing to hold the said office, the Burgesses, in case no division into Wards shall have been made, and when such division shall have been made, the Burgesses of the Ward in which the vacancy may have occurred shall, within *Ten* Days after such vacancy, elect out of the Councillors, or Persons qualified to be Councillors of the Borough, another fit Person to be an Alderman of the Ward, instead of the Person so declining, dying or ceasing to hold office.

And

41. *367*
 Mayor and
 Councillors
 not to act
 until they
 have made a
 Declaration of
 acceptance of
 office.

And be it Enacted, That no Person elected a Mayor, Alderman or Councillor, Assessor or Auditor for any Borough under the provisions of this Act, shall be capable of acting as such, except in administering the Declaration hereinafter contained, until he shall have made and subscribed, before any *Two* or more of such Aldermen or Councillors (who are hereby respectively authorized and required to administer the same), a Declaration in the words or to the effect following; (that is to say)

10 " I, A. B., having been elected Mayor [or, Alderman, Councillor, Auditor or Assessor] for the Borough of
 do hereby declare, That I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability."

And in the case of the Party being required to be qualified by estate, say,

15 " And I do hereby declare, That I am seised or possessed of real or personal estate, [or both, as the case may be], to the amount of *One Thousand* Pounds or *Five Hundred* Pounds [as the case may require], over and above what will satisfy my debts."

20 And that every Alderman who shall have made and subscribed the foregoing Declaration in respect of estate, shall once in every period of *Three* Years, if required in writing so to do by any *Two* Members of the Council, make and subscribe a Declaration that he is qualified to the same amount in real or personal estate, or both, as the case may then be, as the amount mentioned in the Declaration originally made or sub-
 25 scribed by him.

And be it Enacted, That every Person duly qualified who shall be elected to the office of Alderman, Councillor, Auditor or Assessor, and every Councillor or Alderman who shall be elected to the office of Mayor for any Borough, shall accept such office to which he shall have
 30 been elected, or shall in lieu thereof pay to the Mayor, Aldermen and Burgesses of such Borough such Fine, not exceeding *Fifty* Pounds in case of Aldermen, Councillors, Assessors or Auditors; and such fine not exceeding *One hundred* Pounds in case of Mayor, as the Council of such Borough, by a Bye-law to be made as hereinafter provided,
 35 shall declare in that behalf; and such Fine, if not duly paid, shall be levied by the Warrant of any Justice having jurisdiction within such Borough, who is hereby required, on application of the Council, to issue the same by distress and sale of the goods and chattels of the Person so refusing to accept such office, with the reasonable charges of
 40 such distress, and shall also be recoverable by way of Civil Bill in an action of debt, at the suit of the Mayor, Aldermen and Burgesses of such Borough, in the Court of the Assistant Barrister, Chairman or

42.
 Every Bur-
 gess elected
 to the office
 of Councillor,
 and every
 Councillor
 elected to the
 office of
 Mayor or
 Alderman of
 the Ward,
 shall accept
 the office, or
 pay a Fine to
 the Borough
 Fund.

Recorder, having jurisdiction by way of Civil Bill within such Borough ; and every such Person so elected shall accept such office, by making and subscribing the Declaration hereinbefore mentioned, within *Five* Days after notice of his election, otherwise such Person shall be liable to pay the said Fine as for his non-acceptance of such office ; and such office shall thereupon be deemed to be vacant, and shall be filled up by a fresh election, to be made in the manner hereinbefore mentioned : 5

Exemptions. Provided always, That no Person disabled by lunacy or imbecility of mind, or by deafness, blindness or other permanent infirmity of body, shall be liable to such Fine as aforesaid : Provided also, That every 10 Person so elected to any such office, who shall be above the age of *Sixty-five* Years, or who shall have already served such office respectively, or paid the Fine for not accepting such office respectively, within *Five* Years from the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office, if he shall claim 15 such exemption within *Five* Days after notice of his election.

43.
Any Mayor or Councillor, if he shall be declared Bankrupt or Insolvent, or absent himself from the Borough, shall lose his office.

Provided always, and be it Enacted, That if any Person holding the office of Mayor, Alderman or Councillor for any Borough shall be declared Bankrupt, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall compound by deed with his Cre- 20 ditors, or being Mayor, be absent for more than *Two* calendar Months, or being an Alderman or Councillor for more than *Six* Months, at one and the same time (unless in case of illness), from the Borough of which he shall be Mayor, Alderman or Councillor, then and in every such case such Person shall thereupon immediately become disqualified, 25 and shall cease to hold the office of such Mayor, Alderman or Councillor as aforesaid, and in case of such absence shall be liable to the same Fine, to be recovered in the same manner as if he had refused to accept the said office, and the Council thereupon shall forthwith declare the said office to be void, and shall signify the same by notice in writing 30 under the hands of *Three* or more of them, countersigned by the Town Clerk, to be affixed in some public place within the Borough, and the said office shall thereupon become void ; but every Person so becoming disqualified, and ceasing to hold such office, on account of his being declared a Bankrupt, or of his applying to take the benefit 35 of any Act for the relief of Insolvent Debtors, or having compounded with his Creditors as aforesaid, shall, on obtaining his Certificate, or on payment of his debts in full, be capable, if otherwise qualified, of being re-elected to such office ; and every Person becoming disqualified to hold such office on account of absence as aforesaid shall, on his 40 return to such Borough, be capable of being re-elected to such office, provided he shall then be otherwise qualified.

44.
Penalty on Person not qualified, &c.

And be it Enacted, That if any Person shall act as Mayor, Alderman or Councillor, or Auditor or Assessor for any Borough, without having

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acting as
Mayor,
Alderman or
Councillor.

having made the Declaration hereinbefore required in that behalf, or without being duly qualified at the time of making such Declaration, or after he shall have ceased to be qualified according to the provisions of this Act, or after he shall have become disqualified to hold any such
 5 office, he shall for every such offence forfeit the sum of *Fifty* Pounds, such sum to be recovered, with full costs of suit, by any Person who will sue for the same, within *Three* calendar Months after the commission of such offence, by action of debt or on the case, in any of His Majesty's Superior Courts of Record; and every Person so sued by reason of not
 10 being so qualified in respect of estate shall prove that he was at the time of so acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any further evidence being given on the part of the Plaintiff than that such Person has acted as the Mayor, or as Alderman, Councillor, Auditor or Assessor (as the case may be) of such
 15 Borough: Provided always, That it shall be lawful for any Defendant by Judge's order, to be obtained within *Fourteen* Days after he shall have been served with process in any such action, to require the Plaintiff to give security for Costs; and in such case all further proceedings in the said cause shall be stayed until the Plaintiff shall give
 20 security to the satisfaction of the proper officer of the Court for the Costs of such action, in case a verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit or discontinue such action, or if upon demurrer or otherwise judgment shall be given against the Plaintiff, and the Defendant shall, in either of such cases, recover his full
 25 Costs as between Attorney and Client: Provided also, That no such action shall be brought except by a Burgess of such Borough, nor unless the Burgess bringing the same shall, within *Fourteen* Days after the commission of the offence, have served a notice in writing personally upon the party committing such offence, of his intention to
 30 bring such action; and in case the Plaintiff in any such action shall obtain a verdict, the money so to be recovered shall, after payment of the costs and expenses attending the recovery thereof, be paid and apportioned as follows; (that is to say) one *Moiety* thereof to the Person so suing, and the other *Moiety* thereof to the Treasurer to be
 35 appointed by virtue of this Act, to be by him applied in aid of the Borough Fund: Provided always, That all acts and proceedings of any Person in possession of the office of Mayor, Alderman, Councillor, Auditor or Assessor, and acting as a Mayor, Alderman, Councillor, Auditor or Assessor, shall, notwithstanding such disqualification or want of qualification, be as valid and effectual as if such
 40 Person had been duly qualified: Provided also, That whenever any day by this Act appointed as a day of election, or for doing any act in any year, shall happen on a Sunday, in every such case the election shall be held as the act done on the Monday following.

45.

Persons convicted of Bribery disqualified from voting at any Election for Members of the Council.

And be it Enacted, That if any Person who shall have or claim to have any right to vote in any election of Mayor, or of an Alderman, Councillor, Auditor or Assessor of any Borough, shall, after the *passing of this Act*, ask or take any money or other reward by way of gift, loan or other device, or agree or contract for any money, gift, office, employment or other reward whatsoever, to give or forbear to give his vote in any such election; or if any Person, by himself or any person employed by him, shall, by any gift or reward, or by any promise, agreement or security for any gift or reward, corrupt or procure, or offer to corrupt or procure, any Person to give or forbear to give his vote in any such election, such Person so offending in any of the cases aforesaid shall for every such offence forfeit the sum of *Fifty Pounds*, to be recovered, together with full costs of suit, by any one who shall sue for the same, by action of debt, bill, plaint or information, in any of His Majesty's Courts of Record at Dublin; and any Person offending in any of the cases aforesaid being lawfully convicted thereof, shall for ever be disabled to vote in any election in such Borough, or in any Municipal or Parliamentary election whatever in any part of the United Kingdom, and also shall for ever be disabled to hold, exercise or enjoy any office or franchise to which he then shall or at any time afterwards may be entitled as a Burgess of such or any other Borough, as if such Person was naturally dead.

46.

Persons offending in any of the cases aforesaid, discovering others so offending within Twelve Months next after such Election, to be discharged from all Penalties.

And be it Enacted, That if any Person offending in any of the cases aforesaid shall, within the space of *Twelve* calendar Months next after such election as aforesaid, discover any other Person or Persons offending in any of the cases aforesaid, so that such Person or Persons so discovered be therein convicted, such Person so discovering, and not having been before that time convicted of any such offence, shall be indemnified and discharged from all penalties and disabilities which he shall then have incurred by any such offence.

47.

No Person to be made liable to Incapacity or Penalty by this Act unless Prosecution be commenced within Two Years after such Penalty incurred.

Provided always, and it is hereby Enacted, That no Person shall be made liable to any incapacity, disability, forfeiture or penalty by this Act imposed, in any of the cases aforesaid, unless prosecution be commenced within *Two Years* after such incapacity, disability, forfeiture or penalty shall be incurred; any thing herein contained to the contrary notwithstanding.

48.

The Mayor to be a Justice of the Peace for the Borough and for the County; and Returning Officer at Elections of Members to serve in Parliament.

And be it Enacted, That the Mayor for the time being of every Borough shall be a Justice of the Peace of and for such Borough, and such Mayor shall, during his Mayoralty, have precedence in all cases within the Borough, and in Boroughs which return a Member or Members to serve in Parliament, other than Cities and Towns which are Counties of themselves, shall be the Returning Officer at all elections for such Members; and such Mayor or other Returning Officer of

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of any Borough shall, if he shall think fit, or if any Candidate shall require the same, be assisted in such of the said Boroughs as shall have a Recorder by the Recorder of such Borough as his Assessor at such election; and in case the Mayor shall, at the time when it shall

5 be necessary to execute the powers and duties herein provided with respect to any elections, be dead or absent, or otherwise incapable of acting, the Council of such Borough shall forthwith elect one of the Aldermen to be the Returning Officer for such Borough in the place of the Mayor being so dead, absent, or otherwise incapable.

- 10 And be it Enacted, That the Council of every Borough in every year shall appoint, to be removable at their pleasure, a fit Person, not being a Member of the Council, to be the Town Clerk of such Borough, and one other fit Person, not being a Member of the Council, to be the Treasurer of the Borough, and also such other officers as have been
- 15 usually appointed in such Borough, or as they shall think necessary for enabling them to carry into execution the various powers and duties vested in them by virtue of this Act, and may from time to time discontinue the appointment of such officers as shall appear to them not necessary; and shall take such security for the due execution
- 20 of his office by any such Town Clerk, Treasurer, or other Officer, as the said Council shall think proper; and shall order to be paid to the Mayor, and to the Town Clerk and Treasurer, and to every such other Officer to be employed as aforesaid, such Salary or Allowance as the said Council shall think reasonable; and in case of a vacancy in any
- 25 such office as aforesaid, by death, resignation, removal or otherwise, the Council of such Borough may appoint another fit Person in the place of the Person so making such vacancy; provided that the Town Clerk and Treasurer shall not be the same Person.

49.
Power to
Council to
appoint Town
Clerk, Tren-
surer and
other Officers;
and to take
Security for
due discharge
of their official
Duties.

- And be it Enacted, That the Treasurer of any Borough shall pay no
- 30 money on account of the Mayor, Aldermen and Burgesses of such Borough, save only in such case as is provided by this Act, or upon the Order in writing of the Council, signed by *Three* or more Members of the Council, and countersigned by the Town Clerk of such Borough, or for the payment of the salaries granted to any Recorder or Police
- 35 Magistrate as hereinafter provided, or by Order of the Court of Sessions of the Peace for the Borough, or of a Justice of the Peace acting in and for the Borough in the discharge of his judicial duty, in such case as is provided by this Act, or in such case as a Court of Sessions of the Peace for any County, or a Justice of the Peace acting in and for a
- 40 County in the discharge of his judicial duty, may make an order for the payment of money on the Treasurer of such County.

50.
Treasurer to
pay no Money
but by order
of Council.

And be it Enacted, That all the accounts, together with all books, vouchers, papers, writings and documents relating to the accounts of

51.
Accounts of
Commission-
ers, Trustees,

&c. within the
Borough, to
be open to
inspection of
Council.

all Commissioners, Trustees, and other Bodies, Boards or Persons holding or exercising any office, function or authority within and connected with the Corporation, or the regulation or police of the Borough, or any part thereof, or the port or harbour thereof, or any municipal taxes, rates or cesses leviable upon the inhabitants or any of them, shall be open to the inspection of the Council of the said Borough.

52.

Officers to ac-
count, &c.
according to
the orders of
the Council.

And be it Enacted, That every Treasurer, Town Clerk, or other Officer appointed by the Council as aforesaid, or holding or exercising any office or function or authority connected with the corporation, or the regulation or police of the Borough, or any part thereof, or the port or harbour thereof, or any municipal taxes, rates or cesses leviable upon the inhabitants or any of them, shall, at such times during the continuance of his office, or within *Three* calendar Months after the expiration of his office, and in such manner as the said Council shall direct, deliver to the Council, or to such Person as they shall authorize for that purpose, a true account in writing of all matters committed to his charge by virtue of this Act, or under colour of his office, and also of all monies which shall have been by him received by virtue or for the purposes of this Act, or under colour of his office, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper Vouchers for such payments, and also a List of the Names of all such Persons as shall not have paid the monies due from them for the purposes of this Act, and of the amount due from each of them; and every such Officer shall pay all such monies as shall remain due from him to the Treasurer for the time being, or to such Person as the said Council shall authorize to receive the same; and if any such Officer shall refuse or wilfully neglect to deliver such Account, or the Vouchers relating to such Account, or such List as aforesaid, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such Person as they shall authorize, within *Three* Days after being thereunto required by notice in writing under the hands of any *Three*, or more of the said Council, to be given to or left at the last place of abode of such Officer, all books, papers and writings in his custody or power relating to the execution of this Act, or to give satisfaction to the said Council, or to such other person as aforesaid respecting the same, then and in every such case, upon complaint made on behalf of the said Council, by such Person as they shall authorize for that purpose, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the County or other jurisdiction wherein such Officer so refusing or neglecting shall be or reside, such Justice is hereby authorized and required to issue a Warrant under his hand and seal for bringing such Officer before any *Two* Justices of the Peace for such County or Jurisdiction; and upon the said Officer appearing or not being found, it shall be lawful for such Justices to hear

Summary
Remedy
against
Officers for
not account-
ing, &c.

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hear and determine the matter in a summary way ; and if it shall appear to such Justices that any monies remain due from such Officer, such Justices may and they are hereby authorized and required, upon non-payment thereof, by Warrant under their hands and seals, to cause
 5 such monies to be levied by distress and sale of the goods of such Officer ; and if sufficient goods shall not be found to satisfy the said monies, and the charges of the distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver
 10 such Account or the Vouchers relating thereto, or such List as aforesaid, or that any books, papers or writings relating to the execution of this Act remain in the hands or in the custody or power of such Officer, and that he has refused or wilfully neglected to deliver the same, or to give satisfaction respecting the same as aforesaid, then and in every
 15 such case such Justices shall and they are hereby required to commit such offender to the Common Gaol or House of Correction for the County or Jurisdiction where such offender shall be or reside, there to remain without bail until he shall have paid such monies as aforesaid, or shall have compounded with the said Council for such monies, and shall have paid such composition in such manner as they shall appoint
 20 (which composition the said Council are hereby empowered to make and receive), or until he shall have delivered a true account as aforesaid, together with such Vouchers and List as aforesaid, or until he shall have delivered up such books, papers and writings, or have given satisfaction in respect thereof to the said Council, or to such other Person
 25 as aforesaid, as the case may be : Provided always, That no Person so committed shall be detained in prison, for want of sufficient distress only, for a longer space of time than *Three* calendar Months : Provided also, That nothing in this Act contained shall prevent or abridge
 30 any remedy by action against any such Officer so offending as aforesaid, or against any surety for any such Officer, but such Officer shall not be sued by action, and also proceeded against in a summary manner by virtue of this Act for the same cause.

Proviso.

Remedy by Action.

And be it Enacted, That in the Counties of the Cities of Cork, Dublin, Kilkenny, Limerick and Waterford, and in the Counties of
 35 the Towns of Carrickfergus, Drogheda and Galway, the Council shall, on the day of in every year, appoint a fit Person to execute the office of Sheriff, with the like duties and powers as the Sheriffs, or the Persons filling the office of Sheriff in the said Cities and Counties respectively would have had if this Act had not
 40 passed, who shall, if not disapproved of as hereinafter mentioned, continue in his office for *One* whole Year, from the day of to the month of then next ; and in case a vacancy shall be occasioned in the office of Sheriff of such Borough during such period, by the death of the Person who shall have been elected to such office, the Council of the said Borough shall, within *Ten*

53.
 Councils of
 Cities and
 Towns which
 are Counties
 to name a
 Sheriff.

Days after such vacancy, elect another fit Person to be the Sheriff instead of the Person so dying, who shall, if not disapproved of as hereinafter mentioned, within *Ten Days* after his election, hold such office for the period during which the person so dying would have held it; and so from time to time as occasion may require; and every Person who, at the time of the *passing of this Act*, shall hold the office or execute the duties of Sheriff in the said Counties of Cities and Towns respectively, shall continue to hold and execute the same until the first appointment of a Sheriff therein under the provisions of this Act, and no longer.

54.
No Person to
serve as Sheriff
till approved
of by Lord
Lieutenant.

And be it Enacted, That the name of every Person so elected shall within *Two Days* after his election be certified to the Lord Lieutenant of Ireland by the Town Clerk of the city or town in which he may be elected; and the Person so elected shall be incapable of serving in such office until approved of by the Lord Lieutenant by warrant under his hand; and in case any Person so elected shall not be so approved of within *Ten Days* after his election, the Council shall, at the expiration of such *Ten Days*, proceed to elect some other Person to be Sheriff, whose name shall in like manner be certified to the Lord Lieutenant for his approval; and in case of any Person so at that or any other election not being approved of as aforesaid, the Council shall from time to time proceed to elect some other Person, until some Person elected shall be approved of as aforesaid; and no Person elected shall be capable of acting until so approved of.

55
City and
County of
Londonderry
to be a Coun-
ty, the Sheriff
of which to be
nominated by
the Crown.

And be it Enacted, That the County heretofore named the City and County of Londonderry shall henceforth be named the County of Londonderry; and that a Sheriff of the said County of Londonderry shall be nominated and appointed by His Majesty, His heirs and successors, in the same manner, to all intents and purposes, as the Sheriff of any other County at large in Ireland is now nominated and appointed: Provided always, That until the Sheriff first to be nominated and appointed for the said County of Londonderry, under the provisions of this Act, shall enter upon his office, the Persons who at present fill the office of Sheriffs of the said City and County of Londonderry, or the survivor of them, shall be and remain the Sheriffs or Sheriff of the County of Londonderry, and shall fulfil and execute the duties of the said office.

56.
In certain
Boroughs,
Council to ap-
point a Coro-
ner.

And be it Enacted, That the Council of every Borough in which a separate Court of Quarter Sessions of the Peace shall be holden, as is hereinafter provided, shall, within *Ten Days* next after the grant of the said Court shall have been signified to the Council of such Borough, appoint a fit Person, not being an Alderman or Councillor, to be Coroner of such Borough, so long as he shall well behave himself in his office of

of Coroner, and shall fill up every vacancy in the office of Coroner of the Borough occurring by death, resignation or removal within *Ten Days* next after such vacancy, and none thereafter shall take any Inquisition which belongs to the office of Coroner within such Borough

5 save only the Coroner so from time to time to be appointed; and in such of the said Boroughs as are not Counties of Cities, or Counties of Towns, every such Coroner for every Inquisition which he shall duly take within such Borough, shall be entitled to have the sum of *Twenty* Shillings, and also the sum of *Ninepence* for every Mile exceeding *Two*

10 Miles, which he shall be compelled to travel from his usual place of abode to take such Inquisition, to be paid by the Treasurer out of the Borough Fund of such Borough, by order of the Court of Quarter Sessions for such Borough: Provided always, That no Person shall be elected as Coroner as aforesaid, who shall not be seised or possessed

15 of such an estate in some part of Ireland as would qualify him to serve as a Coroner for a County according to the Acts now in force in Ireland in relation to the office of Coroner; and every such Person shall, before he acts as such Coroner, take and subscribe all oaths now required to be taken by a Coroner in Ireland.

20 And be it further Enacted, That on or before the *Tenth* day of *January* in every year after the *passing of this Act*, every Coroner appointed in any Borough shall make and transmit to the Lord Lieutenant of Ireland a return in writing, according to such form as the said Lord Lieutenant from time to time shall direct, of all the cases in

25 which he may have been called upon to hold an Inquest touching the cause of death of any Person during the year ending on the *Thirty-first* day of *December* immediately preceding, and a copy of the finding of the Jury on every such Inquest.

57.
Coroners to
make Returns
to Lord Lieu-
tenant.

And be it Enacted, That in every Borough in and for which no

30 separate Court of Sessions of the Peace shall be holden, no Person after the *Twenty-fifth* day of *October* in this present year shall take any Inquisition which belongs to the office of Coroner within such Borough, save only the Coroner for the County at large in which such Borough is situated; and in every Borough in which a Coroner shall

35 not be elected and acting under this Act, the Coroner for the County in which such Borough is situated, and in case of a County of a City or Town, the Coroner of the adjoining Counties, or any of them, shall take any inquisition which could be taken by a Coroner elected under this Act, and have all the powers and authorities of such

40 Coroner: Provided always, That such Coroners of Counties at large, and the Coroners of each County of a City and County of a Town, shall be entitled to be paid for the Inquisitions which they shall duly take as aforesaid, in manner now provided for by law, and not otherwise: Provided always, That every Coroner so to be appointed

58.
County Coro-
ners to act in
other Bo-
roughs.

shall be liable to be removed by the Court of Chancery in Ireland, in the same manner as any Coroner in Ireland may now be removed by that Court.

59.
Officers to
continue until
removed.

And be it Enacted, That the Council elected under this Act in any Borough shall have power to remove from his office every Bailiff, Treasurer or Chamberlain, and every other ministerial or executive Officer of such Borough and Body Corporate, who shall be in office at the time of the first election of Councillors under this Act; and every such Bailiff, Treasurer or Chamberlain, and every other ministerial or executive Officer in such Borough, shall continue to act in the same capacity as heretofore, and to execute all the duties heretofore belonging to his office, and be entitled to have the same salaries, fees and emoluments as he would have had if this Act had not passed, until he shall be removed from his office, and no longer, unless he shall be re-appointed according to the provisions of this Act; and every Officer who shall be in possession or receipt of any Monies, Goods, valuable Securities, Books or Papers, belonging to or concerning the Body Corporate, whose officer he is, shall deliver up and account for the same to the Council of such Body Corporate appointed under this Act; and in case they or any of them shall refuse or wilfully neglect to deliver such Accounts, Vouchers and Lists, or to make such payments, or to deliver such Books, Papers and Writings, or to give satisfaction respecting the same, as is hereinbefore provided in the case of Officers appointed by such Council, they and every of them may be proceeded against, and shall be subject and liable to the several provisions hereinbefore contained in cases of Officers appointed by such Council: Provided always, That all the Charters, Deeds, Muniments and Records of every Borough, or relating to the Property thereof, shall be kept in such place as the Council from time to time shall direct, and the Town-Clerk for the time being shall have the charge and custody of and be responsible for the same.

60.
Officers to
receive Com-
pensation on
removal.

And be it Enacted, That every Officer of any Borough or County who shall be in any office of profit at the time of the *passing of this Act*, whose office shall be abolished, or who shall be removed from his office under the provisions of this Act, or who shall not be re-appointed as aforesaid, shall be entitled to have an adequate compensation, to be assessed by the Council, and paid out of the Borough Fund, for the salary, fees and emoluments of the office which he shall so cease to hold, regard being had to the manner of his appointment to the said office, and his term or interest therein, and all other circumstances of the case; and every Person entitled to such compensation as aforesaid shall deliver to the Town Clerk, or in case such Person shall himself be Town Clerk, then to the Treasurer of the Borough, a statement under the hand of such Person, setting forth the amount received by him or his predecessor in every year during the period of *Five Years*

next before the *passing of this Act*, on account of the salary, fees, emoluments, profits and perquisites in respect whereof he shall claim such compensation, distinguishing the office, place, situation, employment or appointment in respect whereof the same shall have been received, and containing a declaration that the same is a true statement according to the best of the knowledge, information and belief of such Person, and also setting forth the sum claimed by him as such compensation; and the Town Clerk or Treasurer, as the case shall be, shall lay such statement before the Council, who shall take the same into consideration and determine thereon; and immediately upon such determination being made, the Person preferring such claim, if he shall not himself be the Town Clerk, shall be informed thereof by notice in writing under the hand of the Town Clerk; and in case such claim shall be admitted in part and disallowed in part, such notice shall specify the particulars in which the same shall have been admitted and disallowed respectively; and in case the Person preferring such claim shall think himself aggrieved by the determination of the Council thereon; or in case *One-third* of the Members of the Council shall subscribe a protest against the amount of compensation allowed by the determination of the Council as excessive, it shall be lawful for the Person preferring such claim, or any Member of the Council who shall subscribe such protest, to appeal to the Lords Commissioners of His Majesty's Treasury, who shall thereupon make such order as to them shall seem just; and such order, signed by *Three* or more of such Lords Commissioners, shall be binding on all parties: Provided always, That if the Council shall not determine on such claim within *Six* calendar Months after the aforesaid statement shall be delivered to the Town Clerk or Treasurer, as the case shall be, such claim shall be considered as admitted: Provided also, That it shall not be lawful for any Member of the Council to subscribe such protest as aforesaid, except within such period of *Six* calendar Months: Provided also, That the Person preferring such claim, if any Member of the Council shall so require, upon receiving notice in writing, signed by the Town Clerk, unless such Person shall himself be Town Clerk, in which case no such notice shall be requisite, shall from time to time attend at any meeting or adjourned meeting of the Council for the investigation of such claim, and then and there upon his oath, or solemn affirmation, or his declaration, to be taken or made before the Mayor (who is hereby authorized to administer the same), shall answer all such questions as shall be asked by any Member of the Council, touching the matters set forth in the statement subscribed by such Person as aforesaid, and produce all books, papers and writings in his possession, custody or power relating thereto: Provided also, That every such Officer who shall be continued in or re-appointed to such office under the provisions of this Act, and who shall be subsequently removed from such office for any cause other than such misconduct as would warrant removal

from any office held during good behaviour, shall be entitled to compensation in like manner as if he had been forthwith removed under the provisions of this Act, and had not been continued in or re-appointed to such office.

61.

Compensation
to be secured
by Bond under
Common Seal.

And be it Enacted, That the value of the sum payable to any Person 5
as such compensation as aforesaid, if not forthwith paid, shall be secured
to such Person by bond or obligation under the common seal of the
Borough, out of whose Funds the same shall be payable, in a sufficient
penalty conditioned for the payment to such Person, his executors or
administrators or assigns, of the value of such sum, with interest 10
and all arrears thereof (if any) accrued due before the date of
such bond; and such bond or obligation shall be prepared and
executed at the expense of the Borough Fund, and delivered to the
Person entitled to such compensation as soon as conveniently may be
after the amount thereof shall have been admitted as aforesaid by the 15
Council of the Borough; or shall have been determined in the event of
such appeal as aforesaid by order of the said Lords Commissioners.

62.

Reservation
of certain
Pensions and
Allowances.

And be it Enacted, That all Pensions and Allowances granted on
or before the *Fifth* day of *June One thousand eight hundred and*
Thirty-five by the Corporate Body named in the said Schedules, 20
in conjunction with any Borough, to any retired Officer or servant, or
to the Widow or Child of any Officer or servant, and all stipends and
allowances which, during *Seven* Years next before the said *Fifth* day
of *June*, have been usually paid and granted to the Minister or late
Minister of any church or chapel, or to the Master or Usher of any 25
school, or to the Governor or Master of any hospital within such Bo-
rough, and all charitable allowances which have been usually paid as
aforesaid to the Inmates of any almshouses by such Corporate Body,
shall be secured, as soon as conveniently may be after the *passing of this*
Act, to every Person entitled or accustomed to have and receive the 30
same, by bond or obligation under the common seal of the Borough, out
of whose Funds the same shall be payable, in a sufficient penalty
conditioned for the payment to such Person, his executors and adminis-
trators, of such pension, stipend or allowance, with all arrears thereof,
if any, accrued due before the date of such bond; and such bond or 35
obligation shall be prepared and executed at the expense of the Borough
Fund.

63.

Questions to
be decided by
a majority of
Councillors
present; one-
third part of
whole num-
ber to be a
Quorum.

And be it Enacted, That all acts whatsoever authorized or required
by virtue of this Act to be done by the Council of any Borough, and 40
all questions of adjournment, or others that may come before such
Council, may be done and decided by the majority of the Members
of the Council who shall be present at any Meeting held in pursuance
of this Act, the whole number present at such Meeting not being less
than *One-third* part of the number of the whole Council, and at all
such

such Meetings the Mayor, if present, shall preside, and the Mayor, or in case of the absence of the Mayor, such Alderman or Councillor as the Members of the Council then assembled shall choose to be the Chairman of that Meeting, shall have a second or casting vote in all cases of equality of votes, except in the election of Mayor as aforesaid; and Minutes of the Proceedings of all such Meetings shall be drawn up and fairly entered into a Book to be kept for that purpose, and shall be signed by the Mayor, Alderman or Councillor presiding at such Meeting; and the said Minutes shall be open to the inspection of any Burgess at all reasonable times on payment of a Fee of *One Shilling*: Provided always, That previous to any Meeting of the Council held by virtue of this Act, a Notice of the time and place of such intended Meeting shall be given *Three* clear Days at least before such Meeting, by fixing the said Notice on or near the door of the Town Hall of the Borough; and such Notice shall be signed by the Mayor, who shall have power to call a Meeting of the Council as often as he shall think proper; and in case the Mayor shall refuse to call any such Meeting after a requisition for that purpose, signed by *Five* Members of the Council at the least, shall have been presented to him, it shall be lawful for the said *Five* Members to call a Meeting of the Council, by giving such Notice as is hereinbefore required in that behalf, such Notice to be signed by the said Members instead of the Mayor, and stating therein the business proposed to be transacted at such Meeting; and in every case a summons to attend the Council, specifying the business proposed to be transacted at such Meeting, signed by the Town Clerk, shall be left at the usual place of abode of every Member of the Council, or at the premises in respect of which he is enrolled a Burgess, *Three* clear Days at the least before such Meeting; and no business shall be transacted at such Meeting other than is specified in the Notice: Provided always, That there shall be in every Borough Four quarterly Meetings in every year, at which the Council shall meet for the transaction of general business, and no notice shall need to be given of the business to be transacted on such quarterly days; and the said quarterly Meetings shall be holden at noon on the *First* day of *November*, or if the *First* day of *November* shall fall on a Sunday, on the day following, and at such hour on such other *Three* Days before the *Twenty-fifth* day of *October* then next following, as the Council at the quarterly Meeting in *November* shall decide, and the first business transacted at the quarterly Meeting in *November* shall be the election of Mayor.

And be it Enacted, That it shall be lawful for the Council of any Borough to appoint out of their own body from time to time, such and so many Committees, either of a general or special nature, and consisting of such number of Persons as they may think fit, for any purposes which, in the discretion of such Council, would be better regulated and

managed by means of such Committees : Provided always, That the acts of every such Committee shall be submitted to the Council for their approval.

65.
Charitable
Trustees.

AND whereas it is expedient that the administration of any real or personal estate of which any Body Corporate now stand seised or possessed, in trust as to the whole or in part for certain charitable trusts, be kept distinct from that of the Public Stock and Borough Fund; BE it Enacted, That in every Borough in which the Body Corporate, or any one or more of the members of such Body Corporate, in his or their corporate capacity, now stands or stand solely or together with any Person or Persons elected solely by such Body Corporate, or solely by any particular member, class or description of members of such Body Corporate, seised or possessed for any estate or interest whatsoever, of any hereditaments or any sums of money, chattels, securities for money, or any other personal estate whatsoever, in whole or in part, in trust or for the benefit of any charitable uses or trusts whatsoever, all the estate, right, interest and title, and all the powers of such Body Corporate, or of such member or members of such Body Corporate, in respect of the said uses and trusts, shall continue in the Persons who at the time of the *passing of this Act* are such Trustees as aforesaid, notwithstanding that they may have ceased to hold any office by virtue of which, before the *passing of this Act*, they were such Trustees, until the *First day of May* in the year *One thousand eight hundred and Thirty-seven*, or until Parliament shall otherwise order, and shall immediately thereupon utterly cease and determine: Provided always, That if any vacancy shall be occasioned among the Charitable Trustees for any Borough before the said *First day of May* in the year *One thousand eight hundred and Thirty-seven*, it shall be lawful for the Lord Chancellor of Ireland, or Lords Commissioners for the custody of the Great Seal then for the time being, upon petition in a summary way, to appoint another Trustee to supply such vacancy; and every Person so appointed a Trustee as last aforesaid, shall be a Trustee until the time at which the Person in the room of whom he was chosen would regularly have ceased to be a Trustee, and he shall then cease to be a Trustee: Provided also, That if Parliament shall not otherwise direct on or before the said *First day of May* in the year *One thousand eight hundred and Thirty-seven*, the Lord Chancellor of Ireland, or Lords Commissioners of the Great Seal, then shall make such orders as he or they shall see fit for the appointment of a Trustee or Trustees, and the administration of such trust estate, subject to such charitable uses or trusts as aforesaid.

66.
Council to
become
Visitors and
Trustees of all
Acts of which
Corporators
were ex officio
sole Trustees,
&c.

And be it Enacted, That the Body Corporate of every Borough shall be Trustees foreexecuting, by the Council of such Borough, the powers and provisions of all Acts of Parliament made before the *passing of this Act* (other than Acts made for securing charitable uses and trusts), and

587

and of all trusts (other than charitable uses and trusts) of which the Body Corporate, or any of the members thereof, in their corporate capacity, was or were sole Trustees before the time of the first election of Councillors in such Borough under this Act, and shall be visitors of
 5 all local and municipal boards or commissions within or connected with such Borough, or any bridge adjoining thereto, or the port or harbour thereof, or having the collection or management of any taxes or rates leviable in such Borough, or any part thereof, and shall have full power and authority to inspect, examine and audit all accounts, vouchers,
 10 papers, books and documents relating thereto.

67.

And be it Enacted, That in every Borough in which the Body Corporate, or a particular or limited number, class or description of members of the Body Corporate, or of Persons appointed by the Body Corporate, was or were before the *passing of this Act* Trustees jointly with
 15 other Trustees for the execution of any Act of Parliament, or of any Trust, in which the Body Corporate, or any particular or limited number, class or description of members or nominees of the Body Corporate, by any statute, charter, bye-law or custom, was or were before the *passing of this Act* lawfully appointed to, or exercised any
 20 powers, duties or functions whatsoever not otherwise herein provided for, and the continuance of which is not inconsistent with the provisions of this Act, the Council of such Borough, on the day named in such Act as last aforesaid, or in the deed or will by which such trust is created for a new election, nomination or appointment of Trustees, or on which
 25 such new election, nomination or appointment has usually been made, (and if there shall be no such day named or usually observed, then on the *First* day of *January* in every year,) shall appoint the like number of Members of the Council, or as near as may be to the like number of Members of the Council, as there were theretofore members or
 30 nominees of such Corporate Body who in right of their office were such Trustees or charged with the execution of such powers, duties and functions, in room of the members or nominees of such Corporate Body ceasing to be Trustees, or ceasing to exercise such powers, duties and functions by virtue of this Act, and in every case of extraordinary
 35 vacancy among the Trustees or Persons so appointed by the Council, shall forthwith appoint one other Member of the Council in the room of the Person by whom such vacancy has been made, and to hold his trust or office for such time as the Person by whom such vacancy has been made would regularly have held it.

Council to appoint a limited number of Councillors to be Joint Trustees for certain purposes.

68.

40 And be it Enacted, That notwithstanding any thing in this Act contained, every Member of any Body Corporate who in his corporate capacity, and every nominee of any Body Corporate, or any particular number, class or description of Members of such Body Corporate, who at the time of the *passing of this Act* shall be for a definite number of

Present Trustees of certain Acts continued for a definite time.

29.

E

years,

years, or other shorter time, a Trustee of such Acts or Trusts as last aforesaid, shall continue to be such Trustee until the time when he would have ceased to be such Trustee if this Act had not been passed; and if a Trustee for an indefinite time, or for life, or for so long as he shall be a member, or of a particular class or description of such Body Corporate, then until the *First* day of *January* in the year *One thousand eight hundred and Thirty-seven*, and no longer; and every member of the Council appointed under the provisions of this Act to be a Trustee of such Acts or Trusts as last aforesaid, shall continue to be such Trustee until the time herein provided for the new appointment of a Member of the Council to be Trustee in his room, notwithstanding that he may have ceased to be a Member of the Council; and in case any particular Member or Officer of any of the said Bodies Corporate shall have been appointed by any such Act, or by any such Trust, Deed or Will as last aforesaid, to perform during a definite number of years or other shorter time, any specific powers, duties or functions whatsoever, the Person who at the time of the *passing of this Act* shall be the Person designated and qualified to perform the same, shall continue to perform the same until the time when he would have ceased to perform the same if this Act had not passed; and if appointed for an indefinite time, or for life, or for so long as he shall be a Member, or of a particular class or description of such Body Corporate, then until the *First* day of *January* in the year *One thousand eight hundred and Thirty-seven*, and no longer.

69.

Powers vested
in Trustees
may be trans-
ferred to
Councillors.

AND whereas it may be expedient that the powers now vested in the Trustees or Commissioners appointed under sundry Acts of Parliament for paving or lighting, or cleansing, or supplying with water, or improving certain Boroughs, or certain parts thereof, save and except as hereinafter mentioned, should be transferred to and vested in the Councils of such Boroughs respectively; BE it Enacted, That the Trustees or Commissioners appointed by virtue of any such Act of Parliament as last aforesaid, wherein the Trustees, or the Persons whose Trustees they may be, are not beneficially interested, may, if it shall seem to them expedient, at a meeting to be called for that purpose, transfer in writing all the powers vested in them as such Trustees, by any such Act or Acts of Parliament as aforesaid, to the said Body Corporate of such Borough; and the said Body Corporate of such Borough shall thenceforth be Trustees for executing, by the Council of such Borough, the several powers and provisions of any such Act or Acts of Parliament, and the Members of the Council shall have the same powers and be subject to the same duties as if their names had been originally inserted in such Act or Acts (or as if they had been elected under the provisions of any such Act or Acts) as such Trustees respectively: Provided always, That nothing herein contained shall extend to enable the Commissioners for paving, cleansing and lighting the streets of Dublin,

Dublin, or the Commissioners for making wide and convenient streets in the City of Dublin, or the Corporation for improving the port and harbour of Dublin, so to transfer the powers vested in them respectively.

70.

A Watch Committee to consist of the Mayor and Councilmen; such Committee to appoint Constables for the Borough.

Constables to be for the County, &c. as well as Borough.

71.

Watch Committee to make Regulations for the Management of the Constables.

5 And be it Enacted, That the Council to be elected for any Borough, shall, immediately after their first election, and so from time to time thereafter as they shall deem expedient, appoint, for such time as they may think proper, a sufficient number of their own body, who, together with the Mayor of the Borough for the time being, shall be and be
10 called the Watch Committee for such Borough; and all the powers hereinafter given to such Committee may be executed by the majority of those who shall be present at any meeting of such Committee, the whole number present at such meeting being not less than *Three*; and such Watch Committee shall, within *Three Weeks* after their first
15 formation, and so from time to time thereafter, as occasion shall require, appoint a sufficient number of fit men, who shall be sworn in before some Justice of the Peace having jurisdiction within the Borough, to act as Constables for preserving the peace by day and by night, and preventing robberies and other felonies, and apprehending offenders against the
20 peace; and the men so sworn shall, not only within such Borough, but also within the County in which such Borough or part thereof shall be situated, and also within every County being within *Seven Miles* of any part of such Borough, and also within all Liberties in any such County, have all such powers and privileges, and be liable to all
25 such duties and responsibilities as any Constable duly appointed now has, or hereafter may have, within his Constablewick, by virtue of the Common Law of this Realm, or of any Statutes made or to be made, and shall obey all such lawful commands as they may from time to time receive from any of the Justices of the Peace having jurisdiction within
30 such Borough, or within any County in which they shall be called on to act as Constables, for conducting themselves in the execution of their office.

And be it Enacted, That the Watch Committee for any such Borough as aforesaid may from time to time frame such Regulations as they
35 shall deem expedient for preventing neglect or abuse, and for rendering such Constables efficient in the discharge of their duties; and the said Committee, or any *Two* Justices of the Peace having jurisdiction within the Borough, may at any time suspend or dismiss any Constable whom they shall think negligent in the discharge of his duty, or otherwise unfit for the same; and when any man shall be so dismissed, or cease
40 to belong to the said Constabulary Force, all powers vested in him as a Constable by virtue of this Act shall immediately cease; and no man so dismissed as aforesaid shall be re-appointed without the consent of *Two* of the Justices of the Peace having jurisdiction within the Borough.

72.

Power to
Constables to
apprehend
disorderly
Persons, &c.

And be it Enacted, That it shall be lawful for any Constable, during the time of his being on duty, to apprehend all idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of an intention to commit a felony, and to deliver any Person so apprehended into the custody of the Constable appointed under this Act, who shall be in attendance at the nearest Watch-house, in order that such Person may be secured until he can be brought before a Justice of the Peace, to be dealt with according to law, or may give bail for his appearance before a Justice of the Peace, if the Constable shall think fit to take bail, in the manner hereinafter mentioned. 5 10

73.

Constables
attending at
the Watch-
houses in the
night may
take Bail by
Recognizance
from Persons
brought before
them for petty
Misdemeanors ; such
Recognizance
to be condi-
tioned for the
appearance of
the Parties
before a
Magistrate.

And be it Enacted, That where any Person charged with any petty misdemeanor shall be brought, without the Warrant of a Justice of the Peace, into the custody of any Constable appointed under this Act, during his attendance in the night-time at any Watch-house within any such Borough as aforesaid, it shall be lawful for such Constable, if he shall think fit, to take bail by Recognizance, without any fee or reward, from such Person, conditioned that such Person shall appear for examination within *Two* Days before a Justice of the Peace within the Borough, at some time and place to be specified in the Recognizance ; and every Recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if the same had been taken before a Justice of the Peace ; and the Constable shall enter in a book to be kept for that purpose in every Watch-house, the names, residence and occupation of the party, and his surety or sureties, if any, entering into such Recognizance, together with the condition thereof, and the Sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the time and place when and where the party is required to appear ; and if the party does not appear at the time and place required, the Justice shall declare such Recognizance forfeited, and shall issue his Warrant, directing the amount thereof to be paid to the Treasurer of said Borough, and in default of payment, directing the Person mentioned therein to levy off the goods and chattels of the Person named therein, the amount secured thereby, and the costs of the sale and of such warrant, and the same shall be levied and paid to the Treasurer of said Borough ; and the Justice shall, if he shall think fit, be at liberty to enlarge the Recognizance to such further time as he shall appoint ; and when the matter shall be heard and determined, either by the dismissal of the complaint, or by binding the party over to answer the matter thereof at the Sessions, or otherwise, the Recognizance for the appearance of the party before a Justice shall be discharged without fee or reward. 15 20 25 30 35 40

In default of
appearance,
Recognizance
to be forfeited.

Time of hear-
ing may be
postponed.

And

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And be it Enacted, That if any Constable of any Borough shall be guilty of any neglect of duty, or of any disobedience of any lawful order, every such offender, being convicted thereof before any *Two* Justices of the Peace, shall for every such offence be liable to be imprisoned for any time not exceeding *Ten* Days, or to be fined in any sum not exceeding *Forty* Shillings, or to be dismissed from his office, as such Justices shall in their discretion think meet.

74.
Penalties on
Constables for
neglect of
duty.

And be it Enacted, That if any Person shall assault or resist any Constable of any Borough appointed under this Act in the execution of his duty, or shall aid or incite any Person so to assault or resist, every such offender, being convicted thereof before any *Two* Justices of the Peace, shall for every such offence be liable to be imprisoned for any time not exceeding *Two* Months, or to be fined such sum not exceeding *Five* Pounds, as the said Justices shall think meet: Provided always, That nothing herein contained shall prevent any prosecution by way of indictment against any Person so offending, but so as that such Person shall not be prosecuted by indictment, and also proceeded against under this Act for the same offence.

75.
Penalty for
assaults on
Constables.

Proviso.

And be it Enacted, That the Treasurer of every Borough shall pay to the Constables of such Borough appointed under this Act such salaries, wages and allowances, and at such periods, as the Watch Committee for such Borough shall, subject to the approbation of the Council, direct, and the Council shall order to be paid also any extraordinary expenses which such Persons shall appear to have necessarily incurred in apprehending offenders and executing the orders of any Justice of the Peace having jurisdiction within such Borough, such expenses having been first examined and approved of by such Justice; and the said Treasurer shall also pay such further sums as the Watch Committee shall, subject to the approbation of the Council, award to any of the Persons belonging to the said Constabulary Force as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service, and all other charges and expenses which the Watch Committee shall, subject to the approbation of the Council, direct to be paid for the purposes of the Constabulary Force under this Act.

76.
Regulation
and Payment
of Expenses.

Rewards for
activity, &c.

And be it Enacted, That any *Two* or more of the Justices of the Peace having jurisdiction within any Borough are hereby authorized and required in the month of _____ in every year, to nominate and appoint, by precept in writing under their hands, so many as they shall think fit of the Inhabitants of such Borough (not legally exempt from serving the office of Constable) to act as Special Constables within

77.
Magistrates to
appoint annually a certain number of Persons to act as Special Constables in case of need.

such Borough, whensoever they shall be required by the warrant of any of the Justices of the Peace having jurisdiction within such Borough so to act, and not otherwise; and every such warrant shall recite that in the opinion of the Justice granting the same, the ordinary Police Force of the Borough is insufficient at that time to maintain the peace 5 of the Borough; and every Person so appointed a Special Constable shall take the Oath set forth in the Act passed in the second and third years of the reign of His present Majesty, intituled, "An Act for amending the Laws in Ireland relative to the appointment of Special Constables, and for the better preservation of the Peace," and shall 10 have the powers and immunities and be liable to the duties and penalties enacted by the said last-mentioned Act; and every Person so appointed a Special Constable shall receive out of the Borough Fund for every day during which he shall be called out to act as such, the sum of *Three Shillings and Sixpence*, and no more. 15

2 & 3 W. 4.
c. 108.

Payment of
Special Con-
stables.

78.

On notice of
appointment
of Constables,
the present
Provisions in
Local Acts as
to watching,
&c. to cease.

And be it Enacted, That as soon as Constables shall have been appointed by the Watch Committee for any Borough, a Notice, signed by the Mayor of such Borough, specifying the day on which such Constables shall begin to act, shall be fixed on the door of the Town Hall and every place of public worship within such Borough; and on the 20 day so specified in such notice so much of all Acts named in conjunction with such Borough in the Schedule (E.) to this Act annexed, and of all Acts made before the *passing of this Act*, as relates to the appointment, regulation, powers and duties, or to the assessment or collection of any rate to provide for the expenses of any Watchmen, 25 Constables, Patrol or Police, for any place or places situated within such Borough, shall cease and determine; and all watch-houses and watch-boxes in any such place or places, and all arms, accoutrements, and other necessities provided at the public expense for any Watchmen, Constables, Patrol or Police therein, shall be given up to such 30 Persons as shall be named by the said Mayor in such notice, for the use and accommodation of the Constables to be appointed under this Act, and all the property so to be given up shall be deemed to belong to the Body Corporate of such Borough; and in case any Person having the charge, control or possession of any watch-house, watch- 35 box, arms, accoutrements or necessities as aforesaid, shall neglect or refuse to give up the same as hereinbefore required, every such offender, being convicted thereof before any *Two* Justices of the Peace, shall for every such offence forfeit and pay, over and above the value of the property not given up, such sum, not exceeding *Five Pounds*, as the 40 said Justices shall think meet; and where there shall be any building in such place as aforesaid, a part only of which building shall have been heretofore used as a watch-house, such part shall be given up every day from the hour of *Four* in the afternoon until the hour of *Nine* in the forenoon, for the use and accommodation of the Constables to be appointed

Watch-boxes,
Arms, &c. to
be given up
for the use of
the Constables
appointed
under this
Act

Penalty for
not giving
them up.

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appointed under this Act; and if any Person having the charge, control or possession of any such building shall neglect or refuse to give up such part thereof for the purposes aforesaid, or to permit free access thereto or egress therefrom during any portion of the time above prescribed, every such offender, being convicted thereof before any *Two* Justices of the Peace, shall for every such offence forfeit and pay such sum, not exceeding *Five Pounds*, as the said Justices shall think meet.

Provided always, and be it Enacted, That any Rate or Presentment for defraying the expenses of any Watchmen, Constables, Patrol or Police, in any such place or places as aforesaid, made previously to the day specified in such notice as aforesaid, shall be levied and collected in the same manner as if this Act had not been passed: Provided also, That nothing herein contained shall prevent the making, levying and collecting of any Rate or Presentment in any such place or places as aforesaid, for the purpose of paying any debt contracted before the *passing of this Act*, or the interest of any such debt, but that such Rate or Cess shall and may be levied and collected in the same manner as if this Act had not been passed.

79.
Proviso as to
Rates in Ar-
rear and as to
Debts.

And be it Enacted, That the Watch Committee of every such Borough shall on the *Tenth* day of *January*, the *Tenth* day of *April*, the *Tenth* day of *July*, and the *Tenth* day of *October* in every year, transmit to the Lord Lieutenant of Ireland a Report of the number of men appointed to act as Constables or Policemen in such Borough, and of the description of arms, accoutrements and clothing, and other necessities furnished to each man, and of the salaries, wages and allowances payable to such Constables or Policemen, and of the number and situation of all station-houses in such Borough, and also a copy of all rules, orders and regulations which shall from time to time be made by such Watch Committee, or by the Council of such Borough for the regulation and guidance of such Constables or Policemen.

80.
Regulations
to be observed
by Watch
Committee.

AND whereas parts of certain Boroughs are within the provisions of one or more Local Act or Acts for regulating the lighting thereof, and certain other parts of the same Boroughs are not within the provisions of any Local Act for regulating the lighting thereof, and for want of such lighting the efficiency of the Constables may be much diminished, and great facilities afforded for the commission of crimes, and for the escape of the offenders; For Remedy thereof, BE it Enacted, That it shall be lawful for the Council of any Borough, in any part of which there is a Local Act for the lighting thereof, to make an order that any part of such Borough, not being within the provisions of any Local Act for the lighting thereof, shall, from and after a certain day to be named in such order, be taken to be within the provisions of such Local Act or Acts for lighting any part of such Borough as the Council shall specify in

81.
Power for
Council to
order parts of
Borough, not
within Local
Acts, as to
lighting, to be
included in
such Act.

such order ; and after such day the part named in such order shall be within the provisions of the Act or Acts so specified, so far as relates to lighting, or to any rates authorized to be levied for the purpose of lighting, as fully as if such part had been originally named in such Act or Acts, any thing in such Act or Acts to the contrary notwithstanding : 5
 Provided always, That every part named in such order shall be lighted in the like manner as those parts which before the making of such order were within the provisions of such Local Act, and that the Rate to be raised for the purpose of defraying the expenses of lighting any part so named in such order, shall not exceed the average expense in the 10 pound of the lighting of the other parts of such Borough.

Proviso as
to amount of
Rate for light-
ing.

82.
Council may
assume the
Powers of
Commis-
sioners under
9 Geo. 4. c. 82.
for paving,
lighting or
cleansing
Streets of any
Bor gh.

And be it Enacted, That if the Council of any Borough chosen under this Act shall, by public notice to be affixed on the outer door of the Town Hall, or in some public place within the Borough, declare, that 15
 on a certain day, to be named in such notice, not less than *Twenty-one* Days after the day on which such public notice shall have been given, they will take upon themselves the powers given to the Commissioners under a certain Act, made in the ninth year of the reign of his late Majesty, intituled, " An Act to make provision for the lighting, cleans- 20
 ing and watching of Cities, Towns Corporate and Market Towns in Ireland, in certain cases," so far as relates to the lighting of any part of such Borough, which is not within the provisions of any Local Act for lighting the same, the Council of such Borough shall, after the day named in such notice, have the same powers and duties as belong to 25
 Commissioners under the said last-recited Act, in regard to lighting and to levying rates for the purpose of lighting such part of the Borough, except so far as the same are contrary to, or inconsistent with, the provisions of this Act.

83.
Council to
have power
to make
Bye-laws.

And be it Enacted, That it shall be lawful for the Council of any 30
 Borough to make such Bye-laws as to them shall seem meet for the good rule and government of the Borough, and for prevention and suppression of all nuisances as are not already punishable under any Act already in force throughout such Borough, and to appoint by such Bye- 35
 laws such fines as they shall deem necessary for the prevention and suppression of such offences ; provided that no fine so to be appointed shall exceed the sum of *Five Pounds*, and that no such Bye-law shall be made unless at least *Two-thirds* of the whole number of the Council shall be present ; provided that no such Bye-law shall be of any force until the expiration of *Forty Days* after the same, or a copy 40
 thereof, shall have been sent, sealed with the seal of the said Borough, to the Lord Lieutenant, and shall have been affixed on the outer door of the Town Hall, or in some other public place within such Borough ; and if, at any time within the said period of *Forty Days*, the Lord Lieutenant, with the advice of the Privy Council of Ireland, shall dis-
 allow

allow the same Bye-law, or any part thereof, such Bye-law, or the part thereof disallowed, shall not come into operation : Provided also, That it shall be lawful for the Lord Lieutenant, at any time within the said period of *Forty* Days, to enlarge the time within which such Bye-law, if disallowed, shall not come into force ; and no such Bye-law shall, in that case, come into force until after the expiration of such enlarged time ; and the Town Clerk of every Borough shall, under the directions of the Council thereof, cause all the Bye-laws and Regulations in force in such Borough from time to time to be printed in a uniform and convenient form, and shall keep copies thereof publicly affixed in the office of such Town Clerk, and in every public office and court of such Borough, of or belonging to or connected with the Corporation thereof, for the free and open inspection of all Persons, without any fee, at all reasonable hours ; and shall deliver a copy of such Bye-laws and Regulations to any Person requiring the same, on payment of such reasonable price for the same as the Council shall from time to time direct ; and if any Person shall wilfully and maliciously pull down, destroy or deface any copy of such Bye-laws and Regulations, as shall be so affixed as aforesaid, such Person shall for every such offence forfeit and pay any sum not exceeding *Twenty* Shillings.

And be it Enacted, That all the provisions hereinafter contained relative to offences against this Act, punishable upon summary conviction, shall be taken to apply to all offences committed in breach of any Bye-law or Regulation made by virtue of this Act.

84.
As to breaches
of Bye-laws.

And be it Enacted, That after the election of the Treasurer in any Borough, the rents, issues and profits of all hereditaments, estates and tenements, and the interest, dividends and annual proceeds of all monies, dues, chattels and valuable securities belonging or payable to any Body Corporate named in conjunction with the said Borough in the said Schedules (A.), (B.) and (C.), or to any Member or Officer thereof in his corporate capacity, and every fine or penalty for any offence against this Act (the application of which has not been already provided for), shall be paid to the Treasurer of such Borough ; and all the monies which he shall so receive shall be carried by him to the account of a fund to be called " The Borough Fund."

85.
All Corporate
Property, and
all Fines, to
be received
on account of
the Borough
Fund.

And be it Enacted, That the Borough Fund, subject to the payment of any lawful debt due from such Body Corporate to any Person, which shall have been contracted before the *passing of this Act*, and unredeemed, or of so much thereof as the Council of such Borough from time to time shall be required, or shall deem it expedient to redeem, and to the payment from time to time of the interest of so much thereof as shall remain unredeemed, and saving all rights, interests, claims or demands of all Persons or Bodies

86.
Salaries of
Recorder,
Town Clerk,
Treasurer and
other Officers,
and Election
Expenses, to
be paid out of
such Fund.

Corporate in or upon the real or personal estate of any Body Corporate by virtue of any proceedings either at law or in equity which have been already instituted, or which may be hereafter instituted, or by virtue of any mortgage or otherwise, shall be applied towards the payment of the salary of the Mayor and of the Recorder and of the Police Magistrate, hereinafter mentioned, when there is a Recorder or Police Magistrate, and of the respective salaries of the Town Clerk and Treasurer, and of every other Officer whom the Council shall appoint, and also toward the payment of the expenses incurred from time to time in preparing and printing Burgess Rolls and Ward Lists and Notices, and in other matters attending such elections as are herein mentioned, and in Boroughs which shall have a separate Court of Sessions of the Peace, as is hereinafter provided, towards the expenses of the prosecution, maintenance and punishment of offenders committed from the Borough for trial at the Sessions of the Peace for such Borough, and towards the expense of maintaining the corporate buildings, the paving, cleansing and lighting the streets of said Borough, and towards supplying the inhabitants with water, the payment of the Constables maintaining peace and good order, and of all other municipal expenses which shall be necessarily incurred in carrying into effect the provisions of this Act; and in case the Borough Fund shall be more than sufficient for the purposes aforesaid, the surplus thereof shall be applied, under the direction of the Council, for the public benefit of the inhabitants and improvement of the Borough.

87.

Tolls or Dues payable before the passing of this Act not to be altered or reduced until payment of the Debt chargeable thereon.

Provided always, and be it Enacted, That it shall not be lawful for the Council to be elected under the provisions of this Act in any Borough in which the Body Corporate, named in conjunction with the said Borough in the said Schedules (A.), (B.) and (C.) before the time of the *passing of this Act*, shall have contracted any lawful debt, chargeable on any tolls or dues belonging or payable to the said Body Corporate, or to any Member or Officer thereof, in his corporate capacity, or towards the satisfaction whereof such tolls or dues, or any part thereof, were applicable before the *passing of this Act*, to alter or reduce the amount to be levied and payable of such tolls or dues, or to grant for any consideration, any remission of or exemption from such tolls or dues, or any part thereof, unless with the consent in writing, under the hands of a majority in number and amount, of the creditors to whom such debt is due, until after such debt and all arrears of interest due thereon shall have been fully paid and satisfied.

88.

Council authorized to raise Funds for payment of Expenses incurred in carrying this Act into execution.

And be it Enacted, That in case the Borough Fund shall not be sufficient for the purposes aforesaid, the Council of the Borough is hereby authorized and required from time to time to estimate, as correctly as may be, what amount, in addition to such fund, will

will be sufficient for the payment of the expenses to be incurred in carrying into effect the provisions of this Act; and in order to raise the amount so estimated, the said Council is hereby authorized and required from time to time to order a Borough Rate to be made
 5 within their Borough, and for that purpose the Council of such Borough shall have within their Borough all the powers and authorities which any Commissioners in any Borough in Ireland have within the limits of their commission, by virtue of the said last-recited Act of the ninth year of the reign of his late Majesty, and shall observe and pre-
 10 serve the provisions thereof as if the same were herein recited, or as near thereto as the nature of the case will admit, except as is hereinafter excepted; and all such sums levied in pursuance of such Borough Rate shall be paid over to the account of the Borough Fund.

Provided always, and be it Enacted, That in every case in which
 15 before the *passing of this Act* any Rate might be levied in any Borough for the purpose of watching solely by day or by night, or for the purpose of watching by day or by night conjointly with any other purpose, it shall be lawful for the Council of such Borough to levy a Watch Rate, sufficient to raise any sum not greater than
 20 the average yearly sum, which, during the last *Seven Years*, or where such Rate shall not have been levied during *Seven Years*, then during such less number of years as such rate shall have been levied, shall have been expended in the maintenance and establishment of watchmen, constables, patrol or policemen within the district
 25 in which such Rate was levied, and for that purpose the Council shall have all the powers hereinbefore given to the Council in the matter of the Borough Rate, and all such powers as were at the time of the *passing of this Act* vested in any person or persons for imposing or levying any such rate; and where any part of any Borough shall not at the
 30 time of the *passing of this Act* be within the provisions of the Act authorizing the levy of such Rate for watching as aforesaid, it shall be lawful for the Council from time to time to order that such part, or so much thereof as to the Council shall seem fit, shall be rated to the Watch Rate in like manner as other parts of the Borough to be specified
 35 in such order, and such Watch Rate thereupon shall be levied within the part mentioned in such order, in like manner as in the other parts of the Borough so specified, and all such sums levied in pursuance of such Watch Rate shall be paid over to the account of the Borough Fund: Provided always, That no such order as last aforesaid shall be
 40 made for rating to such Watch Rate any part of any Borough in which at the time of *passing this Act* such Rate as aforesaid shall not be levied, and which is more than *Two hundred Yards* distant from any street or continuous line of houses which shall be regularly watched within the Borough under the provisions of this Act.

89.
 Council
 authorized to
 levy a Watch
 Rate.

90.
Act not to
render Cor-
porate Pro-
perty liable
for Debts not
chargeable
thereon, nor
to authorize
the levy of
new Rates for
payment of
Debts.

And be it Enacted, That nothing in this Act contained shall be construed to render liable to the payment of any debt contracted before the *passing of this Act* by any Body Corporate any part of the real or personal estate of the said Body Corporate which before the *passing of this Act* was not liable thereto, or to authorize the levy of any Rate within any part of any Borough for the purpose of paying any debt contracted before the *passing of this Act*, which before the *passing of this Act* could not lawfully be levied therein towards the payment of the same.

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91.
Accounts of
Receipts and
Disburse-
ments to be
kept, audited
and published.

And be it Enacted, That the Treasurer of every Borough shall, in books to be kept for that purpose, enter true Accounts of all sums of money by him received and paid on account of the purposes of this Act, and of the several matters for which such sums shall have been paid; and the books containing such Accounts shall, at all reasonable times, be open to the inspection of any of the Aldermen or Councillors of such Borough; and all the Accounts, with all vouchers and papers relating thereto, shall, in the months of *March* and *September* in every year, be submitted by the Treasurer of the Borough to the Auditors hereinbefore provided to be elected, and to such Member of the Council as the Mayor shall name, on the *First* day of *March* in every year, or in case of extraordinary vacancy within *Ten* Days next after such vacancy, for the purpose of being examined and audited, from the *First* day of *September* in the year preceding to the *First* day of *March*, and from the *First* day of *March* to the *First* day of *September* in the year in which the said Auditors were elected and named; and if the said Accounts shall be found to be correct, the Auditors shall sign the same; and after such Accounts shall have been so respectively examined and audited in the month of *September* in every year, each Treasurer shall make out in writing, and shall cause to be printed a full Abstract of his Accounts for the year, and a copy thereof shall be open to the inspection of all the rate-payers of such Borough; and copies thereof shall be delivered to all rate-payers of such Borough applying for the same on payment of *One* Shilling for each copy.

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92.
Property,
remedy for
misapplica-
tion of.

AND whereas many of the said Municipal Corporations in Ireland have been and now are seised and possessed of divers lands, tenements and hereditaments, and the same have been granted to them, and ought to be vested in them for the public benefit of the said Boroughs respectively; and it is expedient to make further provision than now by law exists for preventing the waste and misapplication of such property, and of all other property which may hereafter be so granted to or acquired by Municipal Corporations for Municipal purposes; BE it Enacted, That in any case of waste or misapplication of any such property, or of any breach of trust in respect thereof, or wherever the direction, decree or order of a court of equity shall be deemed necessary for the due administration and application

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application of any such property, it shall be lawful for His Majesty's Attorney General for Ireland, or for any *Two* or more Burgesses of such Borough, to present a petition to the Court of Chancery or to the Court of Exchequer in Ireland, stating such complaint, and
 5 praying such relief as the nature of the case may require; and it shall be lawful for the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal, or the Master of the Rolls for the time being, and for the Court of Exchequer, and they are hereby required to hear such petition in a summary way, and to direct all
 10 such persons as they shall consider necessary to answer to same, and if necessary to issue a commission for the examination of Witnesses, and on their depositions or upon affidavits, or such other evidence as shall be produced upon such hearing, to determine the same, and to give such relief and make such order
 15 therein, and with respect to the costs of such application, and to enforce the same by injunction or otherwise, as to him or them shall seem just; and such order shall be final and conclusive, unless the party or parties who shall think himself or themselves aggrieved thereby shall, within *Two* Years from the time when such order
 20 shall have been passed and entered by the proper Officer, have preferred an appeal from such decision to the House of Lords, to whom (it is hereby declared and enacted) an appeal shall lie from such order.

And be it Enacted, That neither the petitions nor any pro-
 25 ceedings upon the same or relative thereto, nor the copies of any such petitions or proceedings, shall be subject or liable to the payment of any Stamp Duty, charge for Chancery or other court fund, or other public charge whatever, save only the actual expense of making a copy when any copy shall be required from any of such
 30 Courts.

93.
Proceedings
not liable to
Stamp Duty

And be it Enacted, That it shall not be lawful for the Council of any Body Corporate to be elected under this Act, to sell, mortgage or alienate the lands, tenements and hereditaments of the said Body Corporate, or any part thereof, except in pursuance of some covenant
 35 or contract or agreement bonâ fide made or entered into on or before the *Fifth* day of *June* in the year *One thousand eight hundred and Thirty-five*, by or on behalf of the Body Corporate of any Borough, or of some resolution duly entered in the corporation books of such Body Corporate on or before the said *Fifth* day of *June*, or to demise
 40 or lease, except in pursuance of some covenant, contract or agreement bonâ fide made or entered into on or before the said *Fifth* day of *June*, by or on behalf of such Body Corporate, or in pursuance of some resolution duly entered in the corporation books of such Body Corporate, on or before the said *Fifth* day of *June*, except in

94.
Power of Sale
and Leasing
restrained.

the cases hereinafter mentioned, any lands, tenements or hereditaments of such Body Corporate or any part thereof, or to enter into any new contract or agreement, except in the cases hereinafter mentioned for demising or leasing the said lands, tenements and hereditaments, or any part thereof, for any term exceeding *Thirty-one* 5
Years from the time when such lease shall be made, or if made in pursuance of a previous agreement, then from the time when such agreement shall have been entered into; and in every lease which the said Council is not hereby restrained from making, there shall be reserved and made payable, except in the cases hereinafter men- 10
tioned, during the whole of the term thereby granted, such clear yearly rent as to the Council shall appear reasonable, without taking any fine for the same.

95.
Provision in
certain cases
of Leasing.

Provided always, and be it Enacted, That in all cases in which any Body Corporate shall, on the *Fifth* day of *June* in the year 15
One thousand eight hundred and Thirty-five, have been bound or engaged by any covenant or agreement, express or implied, or have been enjoined by any deed, will or other document, or have been sanctioned or warranted by ancient usage, or by custom or practice, to make any renewal of any lease for years or for life or 20
lives, or for years determinable with any life or lives, at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or on the dropping of any life or lives at a fine certain, or under any special or specific terms or conditions, and also in all cases in which any Body Corporate shall theretofore 25
have ordinarily made renewal of any lease for years or for life or lives, or for years determinable with any life or lives at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or upon the dropping of any life or lives, upon the payment of an arbitrary fine, it shall be lawful for the Council 30
of such Borough to renew such lease for such term or number of years, either absolutely or determinable with any life or lives, or for such life or lives, and at such rent, and upon the payment of such fine or premium, either certain or arbitrary, and with or, without any covenant for the future renewal thereof, as such Body Corporate 35
could or might have done in case this Act had not been passed: Provided nevertheless, That in every case in which such Council shall deem it expedient to sell and alienate, or to demise and lease for a longer term than *Thirty-one* Years, or upon different terms and conditions than those hereinbefore mentioned, any of the said lands, 40
tenements or hereditaments, it shall be lawful for such Council to represent the circumstances of the case to the Lords Commissioners of His Majesty's Treasury; and it shall be lawful for such Council, with the approbation of the said Lords Commissioners, or any *Three* of them, to sell, alienate and demise any of the lands, tenements and hereditaments

hereditaments of the said Body Corporate, in such manner and on such terms and conditions as shall have been approved by the said Lords Commissioners: Provided always, That notice of the intention of the Council to make such application as aforesaid shall be fixed
 5 on the outer door of the Town Hall, or in some public or conspicuous place within the Borough, *One* calendar Month at least before such application; and a copy of the Memorial intended to be sent to the said Lords Commissioners shall be kept in the Town Clerk's office during such calendar Month, and shall be freely open to the
 10 inspection of every Burgess at all reasonable hours during the same.

Provided nevertheless, and be it Enacted, That in any of the instances hereinafter mentioned it shall be lawful for the Council from time to time to demise and lease, or to enter into any contract
 15 or agreement for demising and leasing any of the said lands, tenements or hereditaments to any Person, Body Politic, Corporate or Collegiate, for any term not exceeding *Seventy-five* Years from the time of making such lease or agreement; (that is to say) of tenements or hereditaments, the greater part of the yearly value of which
 20 shall at the time of making the lease or agreement consist of any building or buildings, of land or ground proper for the erection of any houses or other buildings thereupon, with or without gardens, yards, curtilages or other appurtenances to be used therewith; and where the Lessee or intended Lessee shall covenant or agree to erect
 25 a building or buildings thereon of greater yearly value than such land or ground, of land or ground proper for gardens, yards, curtilages or other appurtenances, to be used with any other house or other building erected or to be erected on any such ground, belonging either to such Body Corporate or to any other proprietor,
 30 or proper for any other purpose calculated to afford convenience or accommodation to the occupiers of any such house or building.

96.
 Leases of certain Buildings, and of Ground for building on, or for making Gardens, &c. may be made for Seventy-five Years.

And be it Enacted, That it shall be lawful for the Council first to be elected in any Borough under the provisions of this Act to call in question all purchases, sales, leases and demises not made in pursuance of some such bonâ fide covenant, contract, agreement or resolution made and entered into as aforesaid before the said *Fifth* day of
 35 *June*, and all contracts for the purchase, sale, lease or demise of any lands, tenements and hereditaments, and all divisions and appropriations of the monies, goods and valuable securities, or any part
 40 of the real or personal estate, of which on or before the said *Fifth* day of *June*, the Body Corporate of which they are the Council, whether in their own right or as Trustees for charitable or other purposes, was seised or possessed, which shall have been made or contracted between the said *Fifth* day of *June* and the day of the declaration

97.
 Collusive Purchases, Sales and Demises of Corporate Property since the 5th June 1835 for undue consideration, may be set aside.

tion of their election ; and for that purpose, if it shall appear to the
 said Council that there is ground for believing that any such pur-
 chase, sale, lease or demise, or such contract, or such division or
 appropriation of the premises, was collusively made for no considera-
 tion, or for an inadequate consideration, it shall be lawful for the
 Council of such Borough, at any time within *Six* calendar Months
 next after the first election of Councillors under this Act shall have
 been declared in such Borough, upon notice of their intention being
 first given in the Dublin Gazette, and also affixed on the outer door
 of the Town Hall or in some public place within the Borough, to
 cause the value of the lands, tenements, hereditaments and premises
 in question to be inquired of and found by a jury of *Twelve* indif-
 ferent men of the County in which, or adjoining to which in the case
 of all Counties of Cities and Towns Corporate, such lands, tene-
 ments, hereditaments or premises do lie ; and in order thereto the
 said Council is empowered to summon and call before such jury all
 Persons having the custody and possession of any Deed or Agree-
 ment concerning the said lands, tenements, hereditaments and pre-
 mises made or entered into since the said *Fifth* day of *June*, and to
 cause all such Deeds and Agreements to be produced before the said
 jury, and examined by them, and to examine upon oath every Person
 who shall be thought necessary to be examined (which oath the
 Mayor is hereby empowered to administer) ; and the Council shall,
 by ordering a view or otherwise, use all lawful means for the informa-
 tion as well of themselves as of the said jury in the premises ; and
 the jury shall find the value of the said lands, tenements, heredita-
 ments and premises, and the consideration which shall have been
 given, and also that which ought of right to have been given, for
 the purchase, sale, lease, demise or appropriation thereof, according
 to the terms of such purchase, sale, lease, demise, contract or appro-
 priation, and taking into account all the circumstances under which
 the same shall have taken place ; and if the jury by their oaths shall
 find that no consideration, or a consideration less than that which they
 shall have so found to be the value which ought therefore to have been
 given, shall have been collusively given or contracted to be given
 by the terms of any such purchase, sale, lease, demise, contract or
 appropriation, the party to such purchase, sale, lease, demise, con-
 tract or appropriation shall have his option either to re-convey and
 restore the lands, tenements, hereditaments and premises in question,
 and to abandon the contract to which he shall have been party, upon
 receipt in each case of the consideration, if any, which he shall have
 given for the same, or to give therefore in each case such additional
 consideration, so that the whole consideration given shall be that
 which ought of right to have been given so found by the jury as
 aforesaid ; and in every such case as last aforesaid the additional
 consideration given or to be given shall be indorsed on the original
 deed

deed or conveyance ; and unless he shall so do within *One* calendar
 Month next after the finding of the jury, every such purchase, sale,
 lease, demise, contract and conveyance shall be absolutely void and
 of none effect as against the said Body Corporate and their suc-
 cessors ; and in every case in which any such contract shall have been
 abandoned as aforesaid, or in which any such purchase, sale, lease,
 demise, contract or conveyance shall become void and of none effect,
 under the provisions of this Act, the party who would otherwise have
 had the benefit of the same shall be remitted to his former estate, title
 and interest (if any) in the premises, as if no such contract, purchase,
 sale, lease or demise had been made or entered into ; and for summon-
 ing and returning such juries, and for imposing fines on the Sheriff, his
 deputy, bailiff or agent, and on the Persons summoned and returned
 on the said jury, and on any Person required to give evidence who
 shall in this behalf contravene the provisions of this Act, the Council
 of every such Borough shall have all the powers which the superior
 Courts of Record in Dublin have ; and all the costs of the said jury,
 and of all witnesses tendered by the said Council to be examined
 before the said jury, shall in every case be borne by the Council, and
 paid out of the Borough Fund : Provided nevertheless, That it shall
 be lawful for His Majesty, if He shall think fit, by the advice of His
 Privy Council, upon petition to Him setting forth the special circum-
 stances under which any purchase, sale, lease, demise, contract or
 appropriation of any of the said lands, tenements, hereditaments and
 premises shall have been made since the said *Fifth* day of *June*, to
 order that the same shall not be called in question under the pro-
 visions of this Act ; and in such case as last aforesaid the same shall
 not be called in question or set aside or affected under the provisions
 of this Act : Provided always, That in every case in which such
 petition shall have been presented, it shall be lawful for His Majesty,
 if He shall think fit, to enlarge the time within which (in case His
 Majesty shall not think fit to make such order as aforesaid) the
 Council may have power as aforesaid to call in question any pur-
 chase, sale, lease, demise, contract or appropriation referred to in
 such petition.

And be it Enacted, That in every case in which a Body Corpo-
 rate, or any particular class, number or description of Members, or
 the Governing Body of any Body Corporate now is or are in their
 corporate capacity, and not as Charitable Trustees, according to the
 meaning and provisions of this Act, seised or possessed of any
 manors, lands, tenements or hereditaments, whereunto any advowson
 or right of nomination or presentation to any Benefice or Ecclesi-
 astical Preferment is appendant or appurtenant, or of any advowson
 in gross, or hath or have any right or title to nominate or present to
 any Benefice or Ecclesiastical Preferment, every such advowson,

98.
 Sale of Ad-
 vovsons, &c.

and every such right of nomination and presentation shall be sold at such time and in such manner as the Ecclesiastical Commissioners for Ireland may direct, so that the best price may be obtained for the same ; and it shall be lawful for the Council of such Body Corporate, and they are hereby authorized and required, with the consent of the said Commissioners, or any *Three* or more of them, in writing under their hands, to convey and assure under the common seal of such Body Corporate, such advowson, or such right of nomination or presentation as aforesaid, to the Purchaser or Purchasers thereof respectively, his or their heirs, executors, administrators and assigns, or to such uses as he or they shall direct ; and the proceeds of every such sale shall be paid to the Treasurer of the Borough, whose receipt shall be a sufficient and effectual discharge to the Purchaser or Purchasers to whom the same shall be given, for the amount of his or their purchase money, and shall be by him invested in Government Securities, for the use of the Body Corporate, and the annual interest payable thereon shall be carried to the account of the Borough Fund : Provided always, That in any case of vacancy arising before any such sale shall have taken place and been completed, such vacancy shall be supplied by the presentation or nomination of the Bishop or Ordinary of the Diocese in which such Benefice or Ecclesiastical Preferment is situated.

99.
Council of
certain Bo-
roughs to
name Persons
to receive
Commission
of Justices of
Peace.

And be it Enacted, That it shall be lawful for His Majesty, from time to time, to assign to so many Persons as he shall think proper, His Majesty's Commission to act as Justices of the Peace in and for each Borough, and in and for each of the Counties of Cities and Towns respectively named in the said Schedules (A.) and (B.) to which His Majesty may be pleased, upon the Petition of the Council thereof, to grant a Commission of the Peace : Provided nevertheless, That every Person so to be assigned shall reside within the Borough for which he shall be so assigned, or within *Seven* Miles of such Borough, or of some part thereof, during such time as he shall act as a Justice of the Peace in and for such Borough.

100.
Councils may
make Bye-
laws on which
the Crown
may appoint
salaried Jus-
tices.

And be it Enacted, That if the Council of any Borough shall think it requisite that a salaried Police Magistrate or Magistrates be appointed within such Borough, such Council is hereby empowered to make a Bye-law, fixing the amount of the salary which he or they are to receive in that behalf ; and such Bye-law so made by any Council as aforesaid shall be transmitted to the Lord Lieutenant of Ireland, and the Lord Lieutenant thereupon shall be authorized to appoint so many fit Persons as are named in the said Bye-law (being Barristers-at-Law of not less than *Six* Years' standing), to be, during His Majesty's pleasure, Police Magistrate or Magistrates, and a Justice or Justices of the Peace for such Borough, and to direct that such

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such sum shall be paid quarterly out of the Borough Fund of such Borough as will be sufficient to pay such yearly salary to each of the Justices so assigned as last aforesaid, not exceeding, in the whole, the salary mentioned in the prayer of such Petition, clear of all fees or deductions, as to the Lord Lieutenant shall seem fit; and the Treasurer of such Borough shall thereupon pay to each Justice so assigned as last aforesaid, out of the Borough Fund of such Borough, the salary so directed to be paid by four equal quarterly payments, and in the same proportion up to the time of the death of such Justice, or his ceasing to act under such assignment as aforesaid; provided that in every case of vacancy of the office of Police Magistrate in any Borough aforesaid, no new appointment of Police Magistrate in such Borough shall be made until the Council shall again make application to the Lord Lieutenant in that behalf, and as in the case of the first appointment of a Police Magistrate in such Borough.

And be it Enacted, That the Council of every Borough to which a separate Commission of the Peace shall be granted under the provisions of this Act shall be authorized and required to provide and furnish one or more fit and suitable office or offices, to be called "The Police Office" or Offices of the Borough, for the purpose of transacting the business of the Justices of such Borough, and to pay from time to time, out of the Borough Fund, such sums as may be necessary for providing, upholding and furnishing, and for the necessary expenses of such Police Office or Offices; provided that no room in any house licensed as a Victualling-house or Ale-house, shall be used for the purposes of any such Police Office.

101.
Council to
provide a
Police Office.

And be it Enacted, That every Person assigned to keep the peace within any Borough under the provisions of this Act, or any of them, shall, during the continuance of such assignment, execute the duties of a Justice of the Peace in and for the Borough for which he shall have been so assigned, although he may not have such qualification by estate as is required by law in the case of other Persons being Justices of the Peace for a County; provided that such Person be not disqualified by law to act as a Justice of the Peace for any other cause, or upon any other account than in respect of estate, and although such Person may not be a Burgess of the Borough in and for which he shall have been assigned to act as a Justice of the Peace; and that every summons for the appearance of any Person, or warrant to compel such appearance, or warrant for the apprehension of any Person charged with any offence, or search warrant issued by any Justice of the Peace acting in and for any Borough in any matter within his jurisdiction, may be respectively served and executed within any county in which the said Borough shall be situated,

102.
Justices need
not be quali-
fied by Estate.

or within any distance not exceeding *Seven* Miles from such Borough, and within such limits as aforesaid shall have the same force and effect as if the same had been originally issued or subsequently indorsed by a Justice of the Peace, having jurisdiction in the place where the same shall be served or executed; any law, statute, charter or usage to the contrary notwithstanding; and every such summons and warrant shall and may be lawfully served or executed within such limits as aforesaid by the Constable to whom the same shall be directed, or by any Constable or other Peace Officer of the County, Borough, Parish or Place in which the Person named in such summons or warrant may be: Provided always, That nothing herein contained shall extend to enable the Council to be elected for the City of Dublin under this Act, to appoint any greater number of the Divisional Justices within the Police District of Dublin Metropolis, than may now be appointed by the Assembly of the Corporation of the said City, pursuant to the provisions of an Act made in the fifth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act to amend an Act of the Forty-eighth year of the reign of his late Majesty, for the more effectual administration of the office of a Justice of the Peace, and for more effectual prevention of Felonies within the District of Dublin Metropolis;" but that the appointment of such Divisional Justices shall continue to be regulated by the provisions of the said Acts of the fifth year of the reign of his late Majesty King GEORGE the Fourth, and forty-eighth year of the reign of his late Majesty King GEORGE the Third; save only that it shall not any longer be requisite that any of the said Divisional Justices shall be an Alderman of the City of Dublin, or a Sheriff's Peer, or Member of the Common Council of the said City; and the vacancies among the Four Divisional Justices in the appointment of the Corporation of the said City, under the said Acts, shall be filled up by the Council of the said City, pursuant to the provisions of this Act, subject to such approbation of the Lord Lieutenant and Privy Council as by the said recited Acts is required: Provided nevertheless, That no such Person, by virtue of such assignment, shall act as a Justice of the Peace at any Court of Gaol Delivery, or General or Quarter Sessions, or in making or levying any County Rate, or Rate in the nature of a County Rate.

Council of the City of Dublin to appoint Divisional Justices under the 48 Geo. 3. c. 140. and 5 Geo. 4. c. 102.

103. Justices to appoint a Clerk, who shall not be the Town Clerk or of the Council, nor be concerned in the Prosecution of Offenders committed by the Borough Justices.

And be it Enacted, That it shall be lawful for the Justices of every Borough to which a separate Commission of the Peace shall be granted as aforesaid, at their first or any other Meeting, and they are hereby respectively required to appoint a fit Person to be the Clerk to the Justices of such Borough, to be removable at their pleasure, and so as often as there shall be a vacancy in the said office of Clerk to the Justices by death, resignation, removal or otherwise; provided that it shall not be lawful for the said Justices

to

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to appoint or continue as such Clerk to the Justices any Alderman or Councillor of such Borough, or Clerk of the Peace of such Borough, or the Partner of such Clerk of the Peace, or any Clerk or Person in the employ of such Clerk of the Peace: Provided also,

- 5 That it shall not be lawful for the said Clerk to the Justices, by himself or his Partner, to be directly or indirectly interested or employed in the prosecution of any Offender committed for trial by the Justices of whom he shall be such Clerk as aforesaid, or any of them, at any Court of Gaol Delivery or General or Quarter Sessions; and
- 10 any Person being an Alderman or Councillor, or Clerk of the Peace of any Borough, or the Partner or Clerk, or in the employ of such Clerk of the Peace, who shall act as Clerk to the Justices of such Borough, or shall otherwise offend in the premises, shall for every such offence forfeit and pay the sum of *One hundred Pounds*,
- 15 one moiety thereof to the Treasurer of such Borough, to be paid over to the credit and account of the Borough Fund of such Borough, and the other moiety thereof, with full costs of suit, to any Person who will sue for the same in any of His Majesty's Courts of Record at Dublin.

- 20 And be it Enacted, That the Council of every Borough which shall be desirous that a separate Court of Quarter Sessions of the Peace, or a Court of Record for the trial of Civil Actions, shall be or continue to be holden in and for such Borough, shall signify the same by Petition to the Lord Lieutenant and Privy Council in Ireland,
- 25 setting forth the grounds of the application, and the salary which they are willing to pay to the Recorder in that behalf; and it shall be lawful for His Majesty, if he shall be pleased thereupon to grant that a separate Court of Quarter Sessions of the Peace, or a Court of Record for the trial of Civil Actions, shall thenceforward be
- 30 holden in and for such Borough, the Lord Lieutenant may appoint for such Borough, or for any two or more of such Boroughs conjointly, a fit Person, being a Barrister-at-Law of not less than *Six Years'* standing, who shall be and be called the Recorder of such Borough or Boroughs, and shall hold such Office during his good
- 35 behaviour; and the Lord Lieutenant, upon any vacancy in any such Office, may appoint another fit Person, being a Barrister-at-Law of not less than *Six Years'* standing, to be the Recorder in the place of the Person so making such vacancy, and the Council of every such Borough shall appoint a fit Person to be Clerk of the
- 40 Peace during good behaviour; and the Recorder for the time being of any Borough shall be a Justice of the Peace of and for such Borough, although he may not have such qualification by estate as is required by law in the case of any other person being a Justice of the Peace for a County; and such Recorder shall have precedence in all places within the Borough of which he may be the

104.
Recorder to
be appointed
by His Ma-
jesty in certain
Boroughs.

Recorder to
be a Justice of
the Peace for
the Borough.

Not to be
Councillor or
Police Magis-
trate.

Recorder, next after the Mayor thereof; and it shall be lawful for the said Lord Lieutenant to direct that an annual salary, not exceeding the sum stated in the Petition of the Council, shall be paid to such Recorder by the Treasurer of such Borough, out of the Borough Fund: Provided always, That no Person being such Recorder as aforesaid shall be eligible to serve in Parliament for such Borough; nor shall he be an Alderman, Councillor or Police Magistrate of such Borough: Provided nevertheless, That nothing in this Act contained shall be construed to disqualify any such Recorder from being eligible to sit in Parliament otherwise than is herein provided: Provided also, That in every Borough in and for which a separate Court of Sessions of the Peace, or a Court of Record for the trial of Civil Actions is now holden, and of which the present Recorder or Deputy Recorder is a Barrister of *Six Years'* standing, such Recorder or Deputy Recorder, being qualified as aforesaid, shall be continued or appointed a Recorder under the provisions of this Act: Provided also, That in case of sickness or unavoidable absence, the Recorder of any Borough shall be empowered, with the consent of the Lord Lieutenant of Ireland, to appoint a Deputy Recorder, being a Barrister of *Six Years'* standing, to act for him at the Sessions of the Peace then next ensuing, and in such Court of Record, for any time not exceeding *Three* calendar Months, and no longer or otherwise.

105.
Justices to
make Decla-
ration before
acting.

Provided nevertheless, and be it Enacted, That no Recorder or Person assigned as aforesaid to keep the peace within any such Borough shall be capable of acting as Recorder or Justice of the Peace within such Borough, until he shall have taken the Oaths provided to be taken by Justices of the Peace, except any Oath as to qualification by estate, and until he shall have made before the Mayor, or before any *Two* or more of the Aldermen or Councillors of such Borough (who is and are hereby authorized and required to administer the same), a Declaration in the following form; (that is to say)

“ I, A. B., do hereby declare, That I will faithfully and impartially execute the office of Recorder [or, Justice of the Peace] for the Borough of *that in which he is appointed* according to the best of my judgment and ability.”

106.
Sessions of
the Peace to
be held for
the Borough.

And be it Enacted, That the Recorder of every Borough to which such separate Court of Sessions of the Peace shall be granted as aforesaid, shall hold once in every month, or at such other and more frequent times as the said Recorder in his discretion may think fit, or as the Lord Lieutenant shall think fit to direct, a Court of Sessions of the Peace in and for such Borough, of which Court the Recorder of such Borough shall sit as the sole Judge; and such Court of Sessions

Recorder to
be Chief
Judge.

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Sessions of the Peace shall be a Court of Record, and shall have cognizance of all crimes, offences and matters whatsoever committed within such Borough, cognizable by any Courts of Quarter Sessions of the Peace for Counties at large in Ireland; and said Recorder shall
 5 have power to do all things necessary for exercising such jurisdiction as fully as any such last-mentioned Court, notwithstanding his being such sole Judge; but no such Recorder shall have by virtue thereof any power to make or levy or make any rate, or to grant any license or authority to any Person to keep an inn, ale-house or victualling-
 10 house, to sell excisable liquor by retail, or exercise any of the powers herein specially vested in the Council of such Borough.

And be it Enacted, That in the absence of the Recorder and Deputy Recorder, the Mayor shall be authorized and required, at the proper times appointed for the holding of such Court of Sessions
 15 of the Peace in and for such Borough, to open the said Court, and to adjourn over the holding of the same, and to respite all recognizances conditioned for appearing at the same, until such further day as such Mayor then and there, and so from time to time, shall cause to be proclaimed: Provided nevertheless, That nothing in this
 20 Act contained shall authorize or require any such Mayor to sit as a Judge of the said Court for the trial of offenders, or to do any other act in the character of a Judge of such Court, save only in opening and adjourning the said Court, and respiting the said recognizances in manner aforesaid.

107.
 Mayor, in the absence of the Recorder, may open and adjourn the Court.

And be it Enacted, That after the *First* day of *January One thousand eight hundred and Thirty-seven*, all powers and jurisdictions to try Treasons, Capital Felonies, and all other Criminal Jurisdictions whatsoever, granted or confirmed by any law, statute, letters patent, grant or charter whatsoever to any Mayor, Bailiff, Alderman, Recorder or
 30 other corporate or chartered Officer, or corporate or chartered Justice of the Peace whomsoever, in any Borough, and all right of any Body Corporate in any Borough, or any of the Members thereof, by virtue of any law, statute, letters patent, grant or charter whatsoever, to elect or nominate any Justices to keep the peace in or
 35 for any Borough, or by any Members of any such Corporate Body to act as such Justices of the Peace in or for any of the last-named Boroughs, other than is herein declared, shall cease: Provided nevertheless, That nothing in this Act contained shall be construed to restrain or prevent the holding of any Court of Gaol Delivery or
 40 General or Quarter Sessions of the Peace in and for any Borough for which such Court may now be holden, until the said *First* day of *January*, but every such Court may be holden in like manner and with the same powers until the said *First* day of *January*, as if this Act had not been passed.

108.
 Capital Jurisdictions and all other Criminal Jurisdictions in Boroughs other than are specified in this Act, abolished.

109.
Chartered
Admiralty
Jurisdictions
abolished.

And be it Enacted, That from and after the *passing of this Act*, so much of all laws, statutes and usages, and so much of all royal and other charters, grants and letters patent heretofore granted to any Borough or Body Corporate, whereby such Borough or any place within the precincts or liberties of the same, or such Body Corporate, or the freemen or inhabitants of the same, claims or claim to be exempted and released from the jurisdiction and office of the Lord High Admiral of England, or of the High Court of the Admiralty of England or Ireland, or whereby any Body Corporate, or any Mayor, Bailiff, Recorder, Steward or other chartered or corporate Officer of any Borough has or claims any thing belonging to the office of Admiral, whether or not to be exercised by virtue of any commission to them or any of them to be directed, shall be and the same is hereby Repealed.

110.
Offenders
committed
to Borough
Sessions whose
Jurisdiction is
taken away, to
be tried in
the adjoining
County.

And be it Enacted, That after the said *First day of January*, every Person who shall then stand committed to take his trial at any Court of Gaol Delivery, General or Quarter Sessions of the Peace for any Borough, charged with any offence which the Recorder of such Borough, after the said *First day of January*, will not have the jurisdiction to try, may be lawfully removed and committed to the Gaol or House of Correction of the County in which, or adjoining to which, such Borough is situated, there to remain and take his trial at the next Court of Quarter Sessions for such County, if the offence is cognizable by a Court of Quarter Sessions, and if not, then before the Judges of Oyer and Terminer and Gaol Delivery at their next circuit; and all Persons bound by recognizance to prosecute and give evidence against such Offenders shall be bound to appear to prosecute and give their evidence at the Court at which such Offenders shall be tried as aforesaid; and all such recognizances and all depositions relating to such charges shall be transmitted to the proper Officer of the Court where such Offenders shall be tried; and the Sheriff, Under Sheriff, Gaolers and other Officers of the County in which such Offenders shall be so tried, are hereby authorized and required, in every such case, to receive every Prisoner so committed to their custody, and him safely to keep until delivered by due course of law; and the Judges of Assize and others named in His Majesty's Commissions of Oyer and Terminer and Gaol Delivery, or the Justices for the County, as the case may be, in which such Offenders shall be tried, are hereby authorized and required to hear and determine all such cases, and to order the payment of the usual and fit expenses of the Prosecutors and Witnesses, and all other costs and expenses, which in like case may be directed to be paid by order of the Court.

111.
County Jus-
tices to have
Jurisdiction in

And be it Enacted, That after the *First day of January* the Justices assigned, or hereafter to be assigned, to keep the peace in
and

and for the County in which any Borough is situated, to which His Majesty shall not have granted that a separate Court of Sessions of the Peace shall be holden in and for the same, shall exercise the jurisdiction of Justices of the Peace in and for such Borough, as
 5 fully as by law they and each of them can or ought to do in and for the said County, and no part of any Borough in and for which a separate Court of Quarter Sessions of the Peace shall be holden, shall be within the jurisdiction of the Justices of any County from which such Borough before the *passing of this Act* was exempt;
 10 any law, statute, letters patent, charter, grant or custom to the contrary notwithstanding.

all Boroughs which have not a separate Court of Sessions of the Peace.

And be it Enacted, That in every Borough to which His Majesty shall have granted a separate Court of Sessions of the Peace, or a Court of Record for the trial of Civil Actions as aforesaid, there shall
 15 be holden or continue to be holden a Court of Record for the trial of Civil Actions, and the Recorder of such Borough shall be the sole Judge of such Court; and in all cases where by charter or custom there is or ought to be holden such a Court of Record, shall have jurisdiction to hold and continue such Court for the purpose of disposing of all causes pending therein at the time of the appointment
 20 of such Recorder, at such times and places, and with such rules and practice, and with the same powers and jurisdiction, as belonged to the said Court at the time of the *passing of this Act*; and in all other causes such Recorder shall have jurisdiction to proceed either by
 25 process of attachment of goods, or by serviceable process, according to the provisions hereinafter contained, with authority to try, in a summary way, as hereinafter provided, actions of assumpsit, covenant and debt, whether the debt be by specialty or on simple contract; and all actions of trespass or trover for taking goods and
 30 chattels, provided the sum or damages sought to be recovered shall not exceed *Twenty* Pounds, and either the cause of action shall have accrued within such Borough, or the Defendant or one of the Defendants shall be resident therein; and also all actions of ejectment between landlord and tenant wherein the annual rent of the premises
 35 of which possession is sought to be recovered shall not exceed *Twenty* Pounds; and also to try, according to the course of the common law, actions of assumpsit, covenant and debt, whether the debt be by specialty or on simple contract, and all actions of trespass or trover for taking goods and chattels, provided the sum or damages
 40 sought to be recovered shall not exceed *Fifty* Pounds, and the cause of action shall have accrued within such Borough; and such actions shall not be removed or removable to any of His Majesty's Superior Courts, by Writ or Certiorari, or any other process, save Writ of Error after judgment, where the proceeding is according to the course of the Common Law: Provided also, That every such Judge respectively, from time to time, may make rules for regulating the
 29.

112.
Jurisdiction of Court of Record.

practice of such Court over which he presides; but so that no such rules shall be of force until they shall have been allowed and confirmed by the Judges of His Majesty's Court of King's' Bench in Dublin, or any *Three* of them.

113.
Town Clerk to
be Clerk of
Peace, Regis-
trar of Court
of Record,
and Clerk of
Court of
Conscience.

And be it Enacted, That in any Borough wherein there shall be a
5 separate Court of Sessions of the Peace, or a Court of Record for the
trial of Civil Actions or a Court of Conscience, under the provisions
of this Act, the Town Clerk of such Borough shall, in right of his
office of Town Clerk, and so long as he shall hold such office,
10 be also the Clerk of the Peace of such Borough, the Registrar
of such Court of Record, and the Clerk of such Court of Con-
science respectively; and that the Council of every such Borough
shall appoint such other officers and servants as are necessary
for carrying on the business and executing the process of such
15 Courts respectively; and in every Borough, being a County of a City
or County of a Town, wherein the office of Clerk of the Crown is now
by law in the appointment of the Corporation of such Borough, or
any Member or officer thereof, or held by any officer thereof in right
of his office, the Town Clerk of such Borough shall, in right of his
20 office of Town Clerk, and so long as he shall hold such office, be
also the Clerk of the Crown of such Borough; provided that no
Registrar or other officer of such Court shall by himself or his partner
practise as an Attorney in such Court.

114.
Existing Suits
not to abate
by reason of
the change of
Jurisdiction.

And be it Enacted, That no Suit commenced in any Court of
Record in any Borough before the *First* day of *March One thousand*
25 *eight hundred and Thirty-six*, shall abate by reason of any change
that shall have been worked in the constitution of such Court by
the provisions of this Act, but that the same may be heard and deter-
mined as if it had been commenced before such Judge, according to
the provisions hereinbefore contained in that behalf.

115.
Who to be
Jurors.

And be it Enacted, That every Person being a Burgess of any
Borough wherein there shall be a separate Court of Sessions of the
Peace, or a Court of Record for the trial of Civil Actions (unless he
shall be exempt or disqualified otherwise than in respect of property
35 from serving on Juries, by virtue of an Act passed in the third and
fourth years of the reign of His present Majesty, intituled, "An
Act for consolidating and amending the Laws relative to Jurors and
Juries in Ireland"), shall be qualified and liable to serve on Grand
Juries in such Borough, and also upon Juries for the trial of all
Issues joined in any Court of Sessions of the Peace and in any
40 Court of Record for the trial of Civil Actions, triable within the
Borough of which such Person shall be a Burgess; and the Clerk of
the Peace of every such Borough shall give public notice of the
time and place of holding every such Sessions of the Peace *Ten*
Days at least before the holding thereof, and in Boroughs being
Counties

Summoning of
Jurors.

Counties of Cities or Counties of Towns, the Sheriff thereof, and in other Boroughs the Clerk of the Peace thereof, shall, *Seven Days* at the least before the holding thereof, cause to be summoned a sufficient number of Persons, being qualified and liable, as aforesaid, to serve as Grand Jurors at such Sessions; and in Boroughs being Counties as aforesaid, the Sheriff, and in other Boroughs the Clerk of the Peace and Registrar of the Court of Record respectively, shall also cause to be summoned not less than *Thirty-six* nor more than *Sixty* Persons so liable and qualified as aforesaid, to serve as Jurors at every such Sessions, and at the holding of every such Court of Record for the trial of causes; and such summons shall be made by showing to the Person to be summoned, or in case he shall be absent from the usual place of his abode, by leaving with some person therein inhabiting, a note in writing, under the hand of such Sheriff, Clerk of the Peace or Registrar respectively, containing the substance of such summons; and such Sheriff or Clerk of the Peace respectively shall make out a List of the Names of such Persons so summoned as Grand Jurors; and such Sheriff, Clerk of the Peace or Registrar respectively shall also make out a Panel of such Persons so summoned other than Grand Jurors; and such List and Panel shall respectively contain therein the christian names and surnames, places of abode, and descriptions of the several Persons therein named; and if any Person having been duly summoned to attend on any Jury, shall not attend in pursuance of such summons, or, being thrice called, shall not answer to his name, or after his appearance wilfully withdraw himself from the presence of the Court, the Court shall impose such Fine upon every Person so making default (unless some reasonable excuse shall be proved to the satisfaction of the Court), as the Court shall think meet; and if any Person on whom such Fine shall be imposed shall refuse to pay the same to the Person who shall be authorized by the Court to receive the same, it shall be lawful for the Court then, or at its next sitting, by order of the Court, signed by the Clerk of the Peace or Registrar respectively, to cause to be levied, by distress and sale of the goods of the Person on whom such Fine shall have been imposed, every such Fine and the reasonable charges of such distress and sale; and every Fine so received shall be paid to the Treasurer of the Borough, to be by him carried to the account of the Borough Fund herein-before mentioned.

And be it Enacted, That after the *passing of this Act*, every Member of the Council for the time being of the Borough, and Justice assigned to keep the peace therein, and every Officer of Police therein, and the Treasurer and Town Clerk for the time being of every such Borough, shall be exempt and disqualified from serving on any Jury summoned within such Borough respectively.

116.
Justices, &c.
exempt from
serving on
Juries.

117.

Court of
Record, pro-
ceeding in.

Attachment.

And be it Enacted, That in all cases of debt or liquidated damages, in which the Plaintiff shall be desirous of proceeding in the Court of Record of any Borough by way of attachment of goods, the Plaintiff, or one of the Plaintiffs, or some Person able to depose to the facts of his own knowledge, shall first make affidavit before the Recorder or the Mayor (who is hereby empowered to take such or any other affidavits in the said Court) of the cause of action, and that the same has accrued within such Borough, or else, where the debt or damages do not exceed *Twenty* Pounds, that the Defendant, or one of the Defendants, is resident therein (describing such Defendant by his name, addition and residence particularly), and that the Deponent is apprehensive that such debt or damages is or are in danger of being lost to the Plaintiff, unless aided by process of the said Court to attach the goods of the Defendant, and thereupon it shall be lawful for such Recorder or Mayor to issue an attachment, directed to the proper Officer of the Court, to be appointed in that behalf as aforesaid, requiring him, according to the Form Number 1, in Schedule (F.) to this Act annexed, to attach the goods of the Defendant within the Borough; and thereupon such Officer is hereby authorized and required to seize such goods, and to detain the same until the Defendant shall have given special bail to pay such sums of money as may be adjudged to the Plaintiff in that Suit; which bail may be taken either by the Recorder or by the Mayor of such Borough.

118.

Foreign
Attachment.

And be it Enacted, That in all Boroughs in which, by usage or charter, the goods, monies or credits of the Defendant may, by process of Foreign Attachment, be attached in the hands of a third Person, such process by Foreign Attachment may be proceeded upon in the Court of Record of such Borough under this Act, with such rules of practice, and with the same powers and jurisdiction as belonged to the said Court at the time of the *passing of this Act*: Provided always, That no such Foreign Attachment shall be issued, unless a Common Attachment against the goods of the Defendant shall first have issued, and unless thereupon a further affidavit shall be made as aforesaid, describing the goods, monies or credits sought to be attached in the hands of such third Person, and stating that the same belong to the Defendant; and such third Person, in case he claims a property in such goods, shall be permitted to give bail for the same in manner aforesaid.

119.

Where the
Proceedings
shall be by
Civil Bill.

And be it Enacted, That upon the appearance of the Defendant upon any such Common Attachment, and upon the appearance of the Garnishee upon any such Foreign Attachment, the Plaintiff, in all cases where the debt or damages do not exceed *Twenty* Pounds, shall proceed by way of Civil Bill thereupon, and not according to the

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the course of the Common Law, by filing such Civil Bill in the said Court, and giving notice in writing of such filing, together with a copy of such Civil Bill, to the party or his attorney in the proceeding.

120.
Form of
Proceeding.

- 5 And be it Enacted, That in all such cases, and in all other cases wherein the debt or damages do not exceed *Twenty* Pounds, and the Plaintiff shall elect to proceed by serviceable process only in such Court of Record, and in all cases of ejectment triable in such Court of Record, the proceeding shall be, as nearly as circumstances
10 will admit, in the forms and according to the course and with such right of appeal to the Judge of Assize of the County in which such Borough, or any part thereof, shall be situate, as is by law provided in cases of Civil Bills determinable before the Assistant Barristers of Counties in Ireland, and in cases where the Plaintiff shall proceed
15 in such Court according to the course of the Common Law, and shall recover in debt or damages an amount not exceeding *Twenty* Pounds, such Plaintiff shall not recover any costs of suit.

121.
Attornies in.

- And be it Enacted, That any Attorney of any of the Superior Courts of Record in Dublin shall be admissible to practise in the
20 Court of Record of any such Borough, without payment of any fee or stamp duty upon such his admission, and may continue to practise therein so long as he continues an Attorney of some of the Superior Courts of Record aforesaid, and is in all other respects duly qualified to act and practise as such Attorney.

122.
Court of
Conscience.

- 25 AND whereas in several of the Boroughs in Ireland there have been Courts for the recovery of small debts in a summary way, commonly called Courts of Conscience; and such Courts, when well regulated, have been found useful to the poorer inhabitants of the said Boroughs; and it is expedient to make new and further
30 provisions for the establishment and regulation of such Courts in certain cases; BE it Enacted, That from and after the first election of the Council of any Borough after the *passing of this Act*, all the powers, authorities and jurisdictions of the then existing Court for the recovery of small debts, commonly called the Court of Conscience in such Borough, whether same shall have been established
35 by usage, statute or otherwise, shall wholly cease and determine, save only as to the execution of any decrees or orders of the said Court theretofore lawfully made, and that in every Borough in the said Schedules (A.) and (B.) to this Act annexed, in which there shall be a Recorder duly appointed for such Borough, according to
40 the provisions herein contained, there shall be from and after the appointment of such Recorder, and from thenceforth in such Borough, before the Mayor of the said Borough, or the deputy of

such Mayor, duly appointed by him by writing under his hand, with the consent of the Council of such Borough, signified by a resolution of such Council, duly convened for that purpose, a Court for the recovery of small debts, to be called the Court of Conscience of such Borough, and that the Mayor of the said Borough or his deputy for the time being, duly appointed, shall be the Judge or President of such Court, and shall have full power and authority to hear and determine in a summary way, causes in all small debts between Party and Party, not exceeding in amount the sum of *Forty* Shillings, where the cause of action shall have accrued within the said Borough, or the Defendant shall reside within the same. 5 10

123.
Proceedings
in.

And be it Enacted, That the said Court shall be held at such times and in such place within said Borough, as the Council of the said Borough shall direct and provide, and not otherwise ; and that the proceedings in said Court shall be by summons, in the Form Number 2, specified in the Schedule (F.) to this Act annexed, stating the names of the Parties, Plaintiff and Defendant, the nature and amount of the debt, and the time and place when and where the Defendant is required to appear and answer the said claim ; and such summons shall be served on the said Defendant personally, or in case of difficulty in effecting personal service arising from the acts or contrivance of said Defendant, by serving same in such manner as the President of the said Court shall direct ; and in such case a copy of the order for such substitution of service shall be served along with and in the same manner as the summons ; and in all cases the summons shall be served in manner aforesaid, *Twenty-four* Hours at the least previously to the hearing of the cause ; and in case the said Defendant shall appear, or if the Plaintiff shall prove by affidavit (which, and all other affidavits in the said Court, the said President is hereby empowered to take) the due service of the said summons, or summons and order as aforesaid, the President of the said Court shall proceed to hear the said cause, and the statement of the said party or parties, or their attorney or attornies, and all competent witnesses, and other legal evidence produced by them or either of them, and shall determine the same: Provided always, That it shall be lawful for either party to require the other to be examined upon oath touching the said claim, but that neither of the said parties shall be admitted by his own evidence, on oath or otherwise, to support his own case. 15 20 25 30 35

124.
Order of.

And be it Enacted, That upon such evidence as shall be adduced, and the admissions of the said parties, if required to be examined as aforesaid, the said President shall decide upon the case, and shall make an order either for the payment of the sum claimed by the Plaintiff or any part thereof, together with his costs of suit, according to 40

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to a Table of Costs, to be settled for said Courts in manner herein-
 after provided, or for dismissing the said summons, and in such
 case to order the Plaintiff to pay to the Defendant his reasonable
 costs, according to the said Table, or may adjourn the cause to some
 5 other day, as justice may require; and every such order shall specify
 a time within which such payment of debt and costs, or of costs,
 as the case may be, shall be made, either by instalments or otherwise;
 and every order dismissing such summons shall be expressed therein,
 to be either "on the merits" or "without prejudice to any other
 10 proceeding for the said demand;" and in case the party against
 whom such order for the payment of the said debt and costs, or of
 such costs, shall be made, shall not pay the amount thereof, pur-
 suant to the terms of said order, it shall be lawful for the President
 of the said Court, upon affidavit made of the service of a copy of
 15 such order, on such party personally, or at his dwelling-house, office
 or shop, or last known place of residence within the said Borough,
 and of the non-payment of any sum of money mentioned in such
 order, pursuant to the terms thereof, to issue his warrant under his
 hand to levy the amount thereof by distress and sale of the goods
 20 of the said party.

125.
 Appeal from.

And be it Enacted, That no re-hearing of any cause shall be had
 in the said Court, except only in cases where the same shall have
 been dismissed "without prejudice to any other proceeding," as
 aforesaid; and that if any Party shall think himself aggrieved by
 25 any such order of the said Court, either for payment of the said
 debt and costs, or for dismissing his cause on the merits as aforesaid,
 it shall be lawful for such Party to appeal therefrom to the Recorder
 of the said Borough; provided that in case of such appeal, the
 Party so appealing shall give notice of such appeal to the President
 30 of the said Court, and also to the opposite Party in said cause; and
 said appeals may be forthwith proceeded upon before such Recorder
 at the Court of said Recorder, if then holden, or at the next or any
 subsequent Court of such Recorder to be held within *Six* calendar
 Months from the time of the service of such order upon the Party
 35 so appealing; and such Recorder shall have full power and authority
 to proceed to hear such cause, and to rescind and vary or reverse or
 affirm said order, and in all or any of such cases to make such order,
 either for the payment of the said debt and costs, together with
 reasonable costs of such Appeal, pursuant to the said Table of Costs,
 40 or for the payment of such costs only as aforesaid as justice shall
 require; and in case of non-payment of the sum or sums of money
 mentioned in such order, on like affidavit of the due service thereof
 in manner aforesaid, to issue his warrant under his hand to levy the
 amount thereof by distress and sale of the goods of the said Party,
 in the same manner as the said President of the said Court of Con-

science is hereby authorized : Provided always, That such notice of appeal shall not operate to stay execution of any order or warrant of the said President of the said Court of Conscience, unless the Party appealing therefrom shall enter into a bond to the Mayor of said Borough, by himself and *Two* Sureties jointly and severally 5 bound in *Double* the amount of the sums mentioned in such order, that such Party so appealing shall prosecute such Appeal with effect; and in case such order shall be affirmed in the whole or in part on such Appeal, to pay the sum mentioned in such order of affirmation, either for debt and costs or for costs : Provided always, That such 10 Bond shall not be liable to any Stamp Duty.

126.
Books of
Proceedings to
be provided
and kept.

And be it Enacted, That the President of the said Court of Conscience, and the Recorder as Judge upon Appeals from the President or the Town Clerk under their orders respectively, shall make or cause to be made fair and regular entries in books to be provided 15 by the Town Clerk under the direction of the Council for that purpose, of all judgments, orders, directions, regulations, acts and proceedings of them the said President and Recorder respectively, in or relating to the execution of the several powers and authorities vested in them as Judges in the first instance, and upon appeal in such 20 Court as aforesaid, and shall respectively sign the same ; and such entries when so signed shall be allowed in evidence in proof of the proceedings of such Court in all Courts whatsoever ; and if any Person within the jurisdiction of the said Court, after having been duly served with a summons, to be issued by the Clerk thereof, and 25 paid or tendered his reasonable expenses to attend and give evidence at a time and place in such summons mentioned, on behalf of any Plaintiff or Defendant, shall refuse or neglect to appear pursuant to such summons, due proof being made of the service of such summons, and no sufficient cause for his non-appearance being shown 30 to the satisfaction of the Court upon affidavit, or if the Person so served with such summons shall appear and refuse to give evidence touching the matter in question, then and in every such case it shall be lawful for such President or Recorder, as the case may be, if satisfied upon affidavit that such Person not appearing was duly 35 served with such summons, and was a material witness for the party on whose behalf he was so summoned, or that such Person appearing and refusing to give evidence as aforesaid was a material witness for the party on whose behalf he was called, to impose any Fine not exceeding *Fifty* Shillings on every such Person ; and in case such 40 Fine shall not be paid forthwith, such Fine may be levied by distress and sale of the goods of the offender, by warrant under the hand of such President or Recorder, as the case may be, rendering the overplus (if any), after deducting such Fine and the costs and charges of such distress, to the owner of the goods ; and such Fine when

when levied shall be paid over to the party on whose behalf such Person shall have been summoned or called upon to give evidence ; and in case any Person shall be guilty of a contempt of the said Court; it shall be lawful for such President or Recorder to direct
 5 that such offender be taken into custody, and any Officer of the Court, with or without the assistance of any other Person, may take such offender into custody accordingly ; and the said President or Recorder shall then examine into such contempt, and then, upon his own view, or upon oath of *One* or more other Persons, impose a Fine
 10 not exceeding *Fifty* Shillings for each offence on each offender ; and if such Fine shall not be forthwith paid, such President or Recorder may commit the offender to any lawful prison within such Borough for any time not exceeding *Twenty* Days, or such Fine may be levied by distress and sale of the goods of the offender in manner
 15 aforesaid, and paid to the Treasurer of such Borough to the credit of the Borough Fund, and such offender may be detained in custody until the rising of the Court on the day of his offence, and for *One* Hour after.

And be it Enacted, That the Council of every Borough shall and
 20 they are hereby required, within *Six* calendar Months next after their election, to make and settle a Table of the Fees which shall be taken by the Clerk of the Peace in those Boroughs in which a separate Court of Session of the Peace shall be holden, and in those Boroughs in which there shall be a Court of Record and a Court of Conscience,
 25 a Table of the Fees to be taken by the Registrar and Officers of such Courts ; and such Tables of Fees shall be submitted to the Chief Justice and other Justices of His Majesty's Court of King's Bench in Ireland ; and when such Tables of Fees shall be confirmed and allowed by such Chief Justice or other Justices, or any *Three* of
 30 them, either as such Table shall have been submitted to them, or with such alterations, additions or abatements as they shall think proper, the Fees therein mentioned may thenceforth be lawfully taken by the Person therein named to be entitled thereunto ; and it shall be lawful for the Council of such Borough, from time to time
 35 as occasion may require, to make new Tables of Fees, to be taken instead of the Fees contained in the Tables which shall have been made as aforesaid, which new Tables shall be confirmed and allowed in the manner hereinbefore mentioned, otherwise the same shall be of no validity ; and that until Tables of the Fees so to be taken in
 40 any such Borough shall have been made and confirmed as aforesaid, it shall be lawful for such Clerk of the Peace at the Sessions for any such Borough, to take the Fees authorized by the Table for the time being to be taken by the Clerk of the Peace at the Sessions for the County within or adjoining to which such Borough is situated, and for the Registrar and Officers of such Court of Record, or Court of
 29. Conscience,

127.

Fees payable to the Clerk of the Peace, Clerk to the Magistrates, and Registrar and Officers of the Court of Record.

Conscience, to take the Fees usually taken by them before the passing of this Act.

128.

Clerks to
Justices to be
entitled to
Fees charge-
able under Act
7 & 8 Geo. 4.

And be it Enacted, That in those Boroughs to which a Commission of the Peace shall have been granted, the Clerk to the Justices shall be entitled to such Fees (and no other) as are chargeable by and under an Act passed in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in Ireland," subject to such orders of the Justices as in that Act provided.

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129.

Table of Fees
to be hung up.

And be it Enacted, That the Town Clerk of every Borough shall cause a true copy of the Tables of Fees in force for the time being to be hung up in a conspicuous part of the room in which the business of his office is transacted, and also in the room wherein the Justices of the Peace of such Borough shall sit for transacting their business, and also in the room wherein the Court of Sessions of the Peace for the Borough shall be held, and also in the Court of Record and Court of Conscience of the said Borough respectively.

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130.

Application of
Penalties.

And be it Enacted, That when by any Act any penalties or forfeitures are or shall hereafter be made recoverable in a summary manner, before any Justice or Justices of the Peace, and by such Act respectively, the same are or shall be limited and made payable to His Majesty, or to any Body Corporate, or to any Person whomsoever, save and except the informer, who shall sue for the same, or any party aggrieved, in every such case the same, if recovered and adjudged before any Justice of any Borough in which a separate Court of Sessions of the Peace shall be holden as aforesaid, shall, notwithstanding any thing in such Act respectively contained, be recovered for and adjudged to be paid to the Treasurer of such Borough for the time being, to the credit and on account of the Borough Fund of such Borough; and no such penalty or forfeiture, or share of such penalty or forfeiture, shall in any case be recovered by or adjudged to be paid to any other Person than the said Treasurer, unless such Person be the informer or the party aggrieved: Provided always, That nothing herein contained shall extend to any penalties or forfeitures recovered under any Act relating to the Customs, or to Trade or Navigation, and sued for by the direction of the Commissioners of His Majesty's Customs, which shall be paid to such Person as the said Commissioners shall direct to receive the same.

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131.

Limitation of
time for pro-
secution of
offences
punishable on

AND for the more effectual prosecution of offences punishable upon summary conviction by virtue of this Act; BE it Enacted, That the prosecution for every such offence shall be commenced within

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Six

Six calendar Months after the commission of the offence, and not otherwise; and that where any Person shall be charged, on the oath of a credible witness, with any such offence before a Justice of the Peace, the Justice may summon the Party charged to appear before
 5 any *Two* Justices of the Peace acting in and for the Borough in which such offence shall have been committed, at a time and place to be named in such summons; and if such Party shall not appear accordingly, the Justices of the Peace then and there present (upon proof of the due service of the summons, by delivering a copy thereof
 10 to the Party, or by delivering such copy at the Party's usual place of abode to some inmate thereat, and explaining the purport thereof to such inmate), may either proceed to hear and determine the case in the absence of the Party, or may issue their warrant for apprehending and bringing such Party before them, as they shall
 15 think proper.

summary conviction under this Act, and summons of offenders.

And be it Enacted, That it shall be lawful for any Justice of the Peace acting in and for any Borough to issue his summons, requiring any Person to appear before any such Justices of the Peace, for the purpose of giving evidence touching any offence against this Act;
 20 and if any Person so summoned shall neglect or refuse to appear at the time and place appointed by such summons, and no reasonable excuse for his absence shall be proved before the Justices of the Peace then and there present, or if any Person appearing in obedience to such summons shall refuse to be examined on oath touching any
 25 such offence by the Justices then and there present, every Person so offending shall, on conviction thereof before the said Justices, or any other Justices of the Peace, forfeit and pay such sum of money, not exceeding *Five* Pounds, as to the convicting Justices shall seem meet; and no Person, although liable to the Rate contributing to
 30 the Borough Fund of any Borough, shall be deemed an incompetent witness in proof of any offence against this Act, by reason of any penalty or forfeiture for such offence being applicable to the use of such Borough Fund; and no Justice of the Peace shall be disabled from acting in the execution of this Act by reason of his
 35 being liable to the Rate contributing to the Borough Fund of any Borough.

132.

Power to summon Witnesses.

Penalty for disobedience of Summons, &c.

No Witness or Justice to be incompetent on the ground of rateability.

And be it Enacted, That the Justices of the Peace by whom any Person shall be summarily convicted and adjudged to pay any sum of money for any offence against this Act, may adjudge that such
 40 Person shall pay the same, either immediately or within such period as the said Justices shall think fit; and in case such sum of money shall not be paid at the time so appointed, the same shall be levied by distress and sale of the goods and chattels of the offender, with the reasonable charges of such distress; and for want of sufficient
 29. 1 2 distress,

133.

Payment of Penalties, and mode of levying the same.

distress, such offender shall be imprisoned, with or without hard labour, in the Common Gaol or House of Correction, as to the convicting Justices shall seem meet, for any term not exceeding *One* calendar Month where the sum to be paid shall not exceed *Five* Pounds, and for any term not exceeding *Two* calendar Months in any other case; the imprisonment to cease in each of the cases aforesaid, upon payment of the sum due. 5

134.
Form of
Conviction.

And be it Enacted, That the Justices of the Peace before whom any Person shall be summarily convicted of any offence against this Act, may cause the Conviction to be drawn up in the following form 10 of words, or in any other words to the like effect, as the case may require; (that is to say)

(to wit.) } “ BE it Remembered, That on the day of
in the year of our Lord
in the Borough of in the County of 15
A. O. is convicted before us, J. P., and J. J. P.,
two of His Majesty’s Justices of the Peace for the said
County [or, Borough or otherwise, as the case may be], for
that the said A. O. did [here specify the offence, and the
time and place when and where the same was committed, 20
as the case may be]; and we do adjudge that the said
A. O. shall for the said offence forfeit the sum of
and shall pay the same immediately [or, shall
pay the same on or before the day of]
to the Treasurer for the said Borough, to 25
be by him applied according to the directions of the Statute
in that case made and provided. Given under our hands
the day and year first above mentioned.”

135.
Appeal against
Convictions
under this
Act.

And be it Enacted, That any Person who shall think himself aggrieved by any summary conviction in pursuance of this Act may appeal to the next Court of General or Quarter Sessions of the Peace to be holden not less than *Twelve Days* after such conviction, for the County or for the Borough wherein the cause of complaint shall have arisen ; provided that such Person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within *Three Days* after such conviction, and *Seven* clear Days at the least before such Sessions, and shall also either remain in custody until the Sessions, or within such *Three Days* enter into a recognizance with a sufficient surety before a Justice of the Peace conditioned personally to appear at the said Sessions and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded ; and upon such notice being given, and such recognizance entered into,

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the Justice before whom the same shall be entered into shall liberate such Person if in custody; and the Court at such Sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court
 5 shall seem meet; and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be dealt with and punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

10 And be it Enacted, That no conviction, order, warrant or other matter made, or purporting to be made, by virtue of this Act, shall be quashed for want of form; and no warrant of commitment shall be held void by reason of any defect therein, provided that it be therein alleged that it is founded on a conviction, and there be a
 15 good and valid conviction to sustain the same; and where any distress shall be made for levying any money by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other
 20 proceedings relating thereto; nor shall the party distraining be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but the Person aggrieved by such irregularity may recover full satisfaction for the special damage, if any, in an Action upon the case.

136.
No Certiorari,
&c.

As to informality in
Warrants, &c.

25 AND for the protection of Persons acting in the execution of this Act; BE it Enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be commenced within *Twelve* calendar Months after the fact committed, and not otherwise; and notice in writing of such
 30 Action, and of the cause thereof, shall be given to the Defendant *One* calendar Month at least before the commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no Plaintiff shall recover in any such Action
 35 if tender of sufficient amends shall have been made before such Action brought, or if a sufficient sum of money shall have been paid into Court after such Action by or on behalf of the Defendant; and if a verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such Action after issue joined, or if upon
 40 demurrer or otherwise judgment shall be given against the Plaintiff, the Defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any Defendant hath by law in other cases.

137.
Limitation in
proceedings
against Persons
acting under this
Act.

Notice of
Action.

General
Issue.

Tender of
Amends, &c.

138.

Periods connected with first Registration and Election may be deferred by Orders in Council.

AND whereas it may happen that the several provisions of this Act cannot be carried into effect within the several periods in the present year hereinbefore specified and limited in that behalf; BE it therefore Enacted, That it shall be lawful for the Lord Lieutenant of Ireland, if he shall think fit, by the advice of His Majesty's Privy Council there, to order any days and times for doing in this present year the several matters required or authorized by this Act to be done in lieu of the several days and times for the present year hereinbefore specified, or any of them; and in such case all matters mentioned in such order shall be done in this present year, on and within such days and times as shall be mentioned respectively in that behalf, in such order as if the days and times mentioned in such order had in every instance been mentioned in this Act, instead of the days and times hereinbefore respectively mentioned in that behalf, and not otherwise: Provided always, That nothing herein contained shall authorize the Lord Lieutenant to appoint any days or times other than are hereinbefore specified for any matters to be done after the expiration of this present year: Provided also, That no Person shall be entitled to be enrolled in the Burgess Roll of any Borough in this present year, unless he would have been entitled on the *last day of August* in this year to have his name included in some Churchwarden's List, if such List had been made out on the said *last day of August*.

139.

The King empowered to grant Charter of Incorporation.

AND whereas sundry Towns in Ireland not named in the Schedules to this Act annexed are not Towns Corporate, and in some others the Corporations have been extinct, and it may be expedient that several of them should be incorporated; BE it Enacted, That if any of the Inhabitant Householdors of any Town in Ireland shall petition His Majesty to grant to them a Charter of Incorporation, it shall be lawful for His Majesty, by any such Charter, if he shall think fit to grant the same, to extend to the Inhabitants of any such Town within the District to be set forth in such Charter, all or any of the powers and provisions in this Act contained; and in such case the Mayor of such Town or Borough shall be and become the Returning Officer at all Elections of a Member to serve in Parliament for such Town or Borough: Provided nevertheless, That notice of every such Petition, and of the time when it shall please His Majesty to order that the same be taken into consideration by His Privy Council, shall be published by Royal Proclamation in the Dublin Gazette *One Month* at least before such Petition shall be so considered.

140

Interpretation Clause.

And be it Enacted, That in the construction of this Act the word "Borough" shall be construed to mean City, Borough or Town Corporate, named in one of the said Schedules (A.), (B.) and (C.); and the words "Body Corporate" shall be construed to mean Body Corporate

619

Corporate named in one of the said Schedules (A.), (B.) and (C.), and to include all Guilds and Fraternities of, within or connected with such Bodies Corporate respectively ; and the word " Burgess " shall be construed to mean Citizen, in the case of a City ; and the word " County " shall be construed to mean County or Riding ; and the word " Trustees " shall be construed to mean Trustees, Commissioners or Directors, or the Persons charged with the execution of a Trust, by whatever name they are designated ; and the word " Parish " shall be construed to extend to any extra-parochial Precinct or Place, as well as a Parish ; and the words " Lord Lieutenant " shall be construed to mean the Lord Lieutenant, Lords Justices, or other Chief Governor or Governors of Ireland ; and that in all things hereinafter provided to be done until the first election of Councillors in any Borough under this Act shall have been declared, the word " Mayor " shall be construed to mean the chief officer of a Borough, by whatever name he is now called ; or when there may be no such chief officer, the returning officer at Elections of Members to serve in Parliament for such Borough ; or when there may be neither any such chief officer or returning officer, then such Person as the Lord Lieutenant for the time being shall, by writing under his hand, appoint to perform the duty of Mayor under the provisions hereinafter contained ; and, in describing any person or thing, any word importing the singular number shall be construed to mean also several persons or things respectively, unless there be something in the subject or context repugnant to such construction ; and that no misnomer or inaccurate description of any Person, Body Corporate or Place named in any Schedule to this Act annexed, or in any Burgess Roll, Ward List, Notice or Voting Paper required by this Act, shall hinder the full operation of this Act with respect to such Person or Place, provided that such Person or Place shall be so named as to be commonly understood ; and in all cases where an oath or affidavit is required under this Act, the affirmation or declaration of a Quaker, Moravian or Separatist shall be accepted in lieu of such oath or affidavit.

And be it Enacted, That this Act may be altered or amended by any Act to be passed in this present Session of Parliament.

141.
Act may be
altered this
Session.

SCHEDULES to which this ACT refers.

SCHEDULE (A.)

BOROUGHs which are to have a COMMISSION of the PEACE.

HOUSEHOLD FRANCHISE, TEN POUNDS.

PARLIAMENTARY BOUNDARIES to be taken.

BOROUGH.	Wards.	Aldermen.	Councillors.	STYLE OF CORPORATE BODY.
BELFAST - - -	5	10	30	The Sovereign, Free Burgesses and Commonalty of the Borough of Belfast.
CORK - - -	8	16	48	The Mayor, Sheriffs and Commonalty of the City of Cork.
DUBLIN - - -	16	16	48	The Right honourable the Lord Mayor, Sheriffs, Commons and Citizens of the City of Dublin.
GALWAY - - -	5	10	30	The Mayor, Sheriffs, Free Burgesses and Commonalty of the Town and County of the Town of Galway.
KILKENNY - - -	3	6	18	The Mayor and Citizens of the City of Kilkenny. The Portreeve, Burgesses and Commons of the Borough or Town of Irishtown.
LIMERICK - - -	5	10	30	
WATERFORD - - -	5	10	30	The Mayor, Sheriffs and Citizens of County of the City of Waterford, in the Kingdom of Ireland.

SCHEDULE (B.)

HOUSEHOLD FRANCHISE, FIVE POUNDS.

PARLIAMENTARY BOUNDARIES to be taken.

BOROUGH.	Wards.	Aldermen.	Councillors.	STYLE OF CORPORATE BODY.
CLONMEL - - -	3	6	18	The Mayor, Free Burgesses and Commonalty of the Town of Clonmel.
DROGHEDA - - -	3	6	18	The Mayor, Sheriffs, Burgesses and Commonalty of the County of the Town of Drogheda.
LONDONDERRY - - -	3	6	18	The Mayor, Commonalty and Citizens of Londonderry.
SLIGO - - -	3	6	18	The Provost, Free Burgesses and Commonalty of the Borough of Sligo.

SCHEDULE (C.)

SECTION 1.—PARLIAMENTARY BOUNDARIES to be taken.

BOROUGH.	Wards.	Aldermen.	Councillors.	STYLE OF CORPORATE BODY.
ARMAGH - -	-	6	18	The Sovereign, Free Burgesses and Commonalty of the Borough of Armagh.
ATHLONE - -	-	6	18	The Sovereign, Bailiffs, Burgesses and Freemen of the Town of Athlone.
BANDON - -	-	6	18	The Provost, Free Burgesses and Commonalty of the Borough of Bandon Bridge.
CARLOW - -	-	6	18	The Sovereign, Free Burgesses and Commonalty of the Borough of Catherlagh.
CARRICKFERGUS	-	6	18	The Mayor, Sheriff, Burgesses and Commonalty of the Town of Carrickfergus.
CASHEL - -	-	6	18	The Mayor, Aldermen, Bailiffs, Citizens and Commons of the City of Cashel.
COLERAINE - -	-	4	12	The Mayor, Aldermen and Burgesses of the Town of Coleraine.
DUNDALK - -	-	6	18	The Bailiff, Burgesses and Commonalty of the Borough of Dundalk.
DUNGANNON - -	-	4	12	The Provost, Free Burgesses and Commons of the Borough of Dungannon.
ENNIS - -	-	6	18	The Provost, Free Burgesses and Commonalty of the Town of Ennis.
ENNISKILLEN - -	-	4	12	The Portreeve, Free Burgesses and Commonalty of the Borough of Enniskillen.
KINSALE - -	-	6	18	The Sovereign, Burgesses and Commonalty of the Town of Kinsale.
NEW ROSS - -	-	4	12	The Sovereign and Burgesses of New Ross.
PORTARLINGTON	-	4	12	The Sovereign, Bailiffs and Burgesses of the Borough and Town of Portarlington.
TRALEE - -	-	6	18	The Provost, Free Burgesses and Commonalty of the Borough of Tralee.
WEXFORD - -	-	6	18	The Mayor, Bailiffs, Free Burgesses and Commonalty of the Town or Borough of Wexford.
YOUGHAL - -	-	6	18	The Mayor, Bailiffs, Burgesses and Commonalty of the Town of Youghal.

SCHEDULE (C).—*continued.*

SECTION 2.—BOUNDARIES to be declared by Parliament. Ancient Boundaries to be taken in the mean time.

BOROUGH.	Wards.	Aldermen.	Councillors.	STYLE OF CORPORATE BODY.
ANTRIM - - -	-	4	12	
ARDEE - - -	-	4	12	The Portreeve, Burgesses and Commons of the Corporation of Atherdee.
ATHY - - -	-	4	12	The Sovereigns, Bailiffs, Free Burgesses and Commonalty of the Borough of Athy.
BALLYSHANNON -	-	4	12	The Portreeve, Free Burgesses and Commonalty of the Borough of Ballyshannon.
BANGOR - - -	-	4	12	The Provost, Free Burgesses and Commonalty of the Borough of Bangor.
BELTURBET - -	-	4	12	The Provost, Free Burgesses and Commonalty of the Borough of Belturbet.
BOYLE - - -	-	4	12	The Borough Master, Free Burgesses and Commonalty of the Borough of Boyle.
CALLAN - - -	-	4	12	The Sovereign, Burgesses and Freemen of Callan.
CHARLEVILLE -	-	4	12	The Sovereign, Bailiffs and Burgesses of the Borough of Charleville.
CLOGHNAKILTY -	-	4	12	The Sovereign, Free Burgesses and Commonalty of the Borough of Cloghnakilty.
DINGLE - - -	-	4	12	The Sovereign, Burgesses and Commonalty of the Town of Dingle-i-couch.
ENNISCORTHY -	-	4	12	The Portreeve, Free Burgesses and Commonalty of the Borough of Enniscorthy.
FEATHARD - -	-	4	12	The Sovereign, Chief Burgesses, Portreeve and Freemen of the Town of Fithard.
GOREY - - -	-	4	12	The Sovereign, Burgesses and Free Commons of the Borough and Town of Newborough.
KELLS - - -	-	4	12	The Sovereign, Provosts, Burgesses and Commonalty of the Borough of Kells.
LONGFORD - -	-	4	12	The Sovereign, Bailiffs and Burgesses of the Borough of Longford.
MARYBOROUGH -	-	4	12	The Burgomaster, Bailiffs, Burgesses and Commonalty of Maryborough.
MIDDLETON - -	-	4	12	The Sovereign, Bailiffs and Burgesses of the Borough and Town of Middleton.
MONAGHAN - -	-	4	12	The Provost, Free Burgesses and Commonalty of the Borough of Monaghan.
NAAS - - -	-	4	12	The Sovereign, Provost, Burgesses and Commonalty of Naas.
NAVAN - - -	-	4	12	The Portreeve, Burgesses and Freemen of the Town or Borough of Navan.
STRABANE - -	-	4	12	The Provost, Free Burgesses and Commonalty of the Town of Strabane.
THOMASTOWN -	-	4	12	The Sovereign, Provost and Burgesses of the Town of Thomastown.
TRIM - - -	-	4	12	The Portreeve, Burgesses and Freemen of Trim.
TUAM - - -	-	4	12	The Sovereign, Free Burgesses and Commonalty of the Borough of Tuam.
WICKLOW - - -	-	4	12	The Portreeve, Free Burgesses and Commonalty of the Borough of Wicklow.

No. 4.

LIST OF CLAIMANTS.

THE following Persons claim to have their Names inserted on the Burgess Roll of the Borough of

Christian Name and Surname of each Claimant.	Present Occupancy.	Former Occupancy, as stated in the Claim.
Henry Stiles - - - -	-- House, No. 10, Capel-street.	-- Shop, No. 17, Henry-street, during the last month, and House, No. 6, Aston's Quay, during the five preceding months.

Dated the day of in the year
(signed) A. B. Town Clerk.

No. 5.

LIST OF PERSONS OBJECTED TO.

THE following Persons have been objected to as not being entitled to have their Names retained on the Burgess Roll of the Borough of

Christian Name and Surname of each Person objected to.	Property in respect of which he is said to be entitled to be enrolled in the List of the Churchwardens, Town Clerk or Alderman of the Ward, &c.
Thomas Brady - - - -	No. 3, White's Lane.

Dated the day of in the year
(signed) A. B. Town Clerk.

SCHEDULE (E.)

BELFAST - - - -- An Act for paving, cleansing, and lighting and improving the several Streets, Squares, Lanes and Passages, within the Town of Belfast, in the County of Antrim, and for removing and preventing all Encroachments, Obstructions and Annoyances therein; and also for establishing and maintaining a Nightly Watch throughout the said Town and Precincts thereof, and for other purposes.

[40 Geo. 3, c. 37.]

An Act to explain and amend an Act of His present Majesty, for paving, cleansing, lighting and otherwise improving the Town of Belfast, in the County of Antrim, and for better effecting those purposes.

[56 Geo. 3, c. 57.]

CORK - - - - - -- An Act for the Regulation of the City of Cork, and for other purposes therein mentioned, relative to the said City.
[12 Geo. 3, c. 18.]

An Act for the better Regulation of the Police of the City of Cork, and for other purposes relative to the said City.
[17 & 18 Geo. 3, c. 38.]

An Act for the more equal Assessment of Money presented to be raised by the Grand Jury of the County of the City of Cork, and for a new Valuation of the said City, and Survey of the Liberties thereof; and for other purposes relative to Grand Juries.
[53 Geo. 3, c. 111.]

An Act to explain and amend an Act of His present Majesty, for the more equal Assessment of Money presented to be raised by the Grand Jury of the County of the City of Cork, and for a new Valuation of the said City, and Survey of the Liberties thereof; and for other purposes relative to Grand Juries. [55 Geo. 3, c. 82.]

DROGHEDA - - - -- An Act for the better regulating the Parish Watches, and amending the Highways in this Kingdom, and for preventing the misapplication of Public Money. [6 Geo. 1, c. 10.]

An Act for continuing and amending an Act, intituled, "An Act for the better regulating the Parish Watches, and amending the Highways in this Kingdom, and for preventing the misapplication of Public Money;" and also for establishing a regular Watch in the City of Dublin, and to prevent Mischiefs which may happen by graving Ships in the River Liffey. [10 Geo. 1, c. 3.]

An Act for continuing and amending an Act, intituled, "An Act for the better regulating the Parish Watches, and amending Highways in this Kingdom, and for preventing the misapplication of Public Money; and also for establishing a regular Watch in the City of Dublin, and to prevent Mischief which may happen by graving in the River Liffey;" and also for regulating the Watch in the Town of Drogheda. [5 Geo. 3, c. 22.]

LIMERICK - - - -- An Act for paving, cleansing, lighting and watching the Parish of St. Michael, in the Liberties of the City of Limerick, and adjoining the said City, and for preventing and removing Nuisances therein. [47 Geo. 3, Sess. 2, c. 75.]

An Act for altering and enlarging the powers of an Act of His present Majesty, for paving, cleansing, lighting and watching the Parish of St. Michael, in the Liberties of the City of Limerick, and adjoining the said City, and for preventing and removing Nuisances therein. [51 Geo. 3, c. 104.]

LONDONDERRY - - - -- An Act for building a Bridge over the River Lough Foyle, at the City of Londonderry, and the Suburbs thereof, and for certain Regulations relative to said City. [30 Geo. 3, c. 31.]

An Act for amending an Act passed in the thirtieth year of His Majesty's reign, intituled, "An Act for building a Bridge over Lough Foyle, at the City of Londonderry, and the Suburbs thereof, and for certain Regulations relative to said City. [40 Geo. 3, c. 41.]

An Act to amend two Acts, so far as relate to supplying the City of Londonderry with Water, improving the Harbour of the said City, and the Regulation of Pilots and Vessels using the same; and for extending the Jurisdiction of the Court held in the said City for the recovery of Small Debts. [48 Geo. 3, c. 136.]

An Act for rebuilding or repairing across the River Foyle or Lough Foyle at Londonderry; for enabling the Corporation of that City to raise Money for that purpose; to authorize the advance of a certain Sum of Money out of the Consolidated Fund of Ireland; and for regulating the Fairs and Markets, and improving the Race Course there. [54 Geo. 3, c. 230.]

LONDONDERRY
—continued.

-- An Act to amend an Act of the thirtieth year of his late Majesty, for lighting and improving the City of Londonderry.

[5 Geo. 4, c. 152.]

An Act to amend several Acts relating to the City of Londonderry.

[6 Geo. 4, c. 180.]

An Act to make more effectual Provisions for lighting, cleansing and watching the City of Londonderry, and to amend several Acts relating to the said City.

[2 & 3 Will. 4, c. 107.]

SLIGO - - - -

-- An Act for repealing so much of an Act made in the third year of the reign of King George the Second, intituled, " An Act for cleansing the Ports, Harbours and Rivers of the City of Cork, and of the Towns of Galway, Sligo, Drogheda and Belfast, and for erecting a Ballast Office in the said City, and each of the said Towns, as relates to the Port and Harbour of the Town of Sligo ;" and for repealing an Act made in the fortieth year of the reign of His present Majesty, intituled, " An Act for paving, cleansing, lighting and improving the Streets, Quays, Lanes, and Passages, in the Town of Sligo, in the County of Sligo; for establishing a Nightly Watch in the said Town; for supplying the said Town with Pipe Water; and for improving and regulating the Port and Harbour thereof, and for making better Provision for the paving, lighting, watching, cleansing and improving of the said Town of Sligo; and for regulating the Porters and Carmen employed therein; and for the better Regulation and Improvement of the Port and Harbour thereof."

[43 Geo. 3, c. 60.]

WATERFORD -

-- An Act for better regulating the Police of the City of Waterford.

[23 & 24 Geo. 3, c. 52.]

SCHEDULE (F.)

No. 1.

FORM of PROCESS of ATTACHMENT of GOODS in COURT of RECORD.

Borough of L. to wit. A. B. of, &c. in, &c. [Name, Residence and Addition of Plaintiff.] Plaintiff. C. D. of, &c. in, &c. [Name, Residence and Addition of Defendant.] Defendant.	ATTACH the Defendant by his Goods and Chattels, if found within the jurisdiction of this Court, so that he be before the Recorder of the said Borough at _____ on _____ day, the _____ day of _____ next after the date hereof, to answer the Plaintiff's Suit in an Action for the Sum of [here insert the amount of the Demand,] for [here insert the cause of Action], and have you then there this Writ.
--	---

Dated this _____ day of _____ One thousand eight hundred _____
G. H. Registrar.

To _____

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No. 2.

FORM of SUMMONS in COURT of CONSCIENCE.

Borough of L. to wit. A. B. of, &c. in, &c. [Name, Residence and Addition of Plaintiff.] Plaintiff. C. D. of, &c. in, &c. [Name, Residence and Addition of Defendant.] Defendant.	}	BY the President of the Court of Conscience for the said Borough: The Defendant is hereby required personally to appear before the said President at _____ on _____ day, the _____ day of _____ next after the date hereof, to answer the Plaintiff's Suit for the Sum of [here insert the amount of the Debt], for [here insert the particulars of the Demand]: on default thereof, the said President will proceed as to justice shall appertain.
--	---	--

Dated this _____ day of _____ One thousand eight hundred _____

Signed on behalf of the Plaintiff, }

Municipal Corporations.

(Ireland.)

A

B I L L

FOR

The Regulation of Municipal Corporations
and Borough Towns in Ireland.

(Prepared and brought in by
Mr. Serjeant O'Loughlen, Lord John Russell,
Mr. Chancellor of the Exchequer, and Lord
Viscount Morpeth.)

Ordered, by The House of Commons, to be Printed,
16 February 1836.



(Ireland.)

A

B I L L,

[AS AMENDED BY THE LORDS]

INTITULED,

AN ACT for the Regulation of ⁽¹⁾ *Cities and certain Borough Towns in Ireland, and for abolishing Municipal Corporations therein.*

[*Note.*—The Figures in the Margin denote the Number of Presses in the Ingrossment.]

[*N. B.*—The Words and Clauses printed beneath a Black Line were struck out, and the Words and Clauses printed in *Italics* were added, by the Lords.]

1

WH ^{HEREAS} ⁽²⁾ *it is expedient to provide for the better Regulation of Cities and Borough Towns in Ireland, and to secure the efficient and impartial administration of justice therein:* Preamble.

And whereas provision has been made by law for the establishment of a general system of Police throughout Ireland, and various Local Acts of Parliament have been from time to time passed for the regulation of several of the said Cities and Borough Towns:

And

⁽¹⁾ Municipal Corporations and

⁽²⁾ divers Bodies Corporate at sundry times have been constituted within the Cities, Towns and Boroughs of Ireland, to the intent that the same might for ever be and remain well regulated and quietly governed, and it is expedient that the Charters by which the said Bodies Corporate are constituted should be altered in the manner hereinafter mentioned;

9 Geo. 4. c. 82.

And whereas by an Act passed in the ninth year of the reign of King George the Fourth, intituled, "An Act to make Provision for the lighting, cleansing and watching of Cities, Towns Corporate and Market Towns in Ireland in certain cases," provisions are made for the appointment of Commissioners for lighting, watching, cleansing and paving of any Town in Ireland, the lighting, watching, cleansing or paving of which is not provided for by or under any Local Act of Parliament; BE it therefore Enacted, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT so much of all Laws, Statutes and Usages, and so much of all Royal and other Charters, Grants and Letters Patent, Rules, Orders and Directions now in force relating to the several Boroughs named in the Schedule⁽¹⁾(A.),⁽²⁾ to this Act annexed, or to the Inhabitants thereof, or to the several Bodies or reputed or late Bodies Corporate named in the said Schedule⁽³⁾, or any of them, as are inconsistent with or contrary to the provisions of this Act, shall be and the same are hereby Repealed and Annulled.

I.

Repeal of all Acts, Charters and Customs inconsistent with this Act.

II.

Reservation of all rights of property and beneficial exemptions to Freemen, their Wives and Children.

And be it Enacted, That every Person who now is or hereafter may be an inhabitant of any Borough named in the said Schedule (A.), and also every Person who has been admitted or who, if this Act had not been passed, might hereafter, otherwise than by gift or purchase, have been admitted a Freeman or Burgess of any such Borough⁽⁴⁾, or who now is or hereafter may be the wife or widow or son or daughter of any Freeman or Burgess, or of any such Person, or who may have espoused or may hereafter espouse the daughter or widow of any Freeman or Burgess, or of any such Person, or who has been or may hereafter be bound an Apprentice to any such Freeman or Burgess, or any such Person, shall have and enjoy and be entitled to acquire and enjoy the same share and benefit of the lands, tenements and hereditaments, and of the rents and profits thereof, and of the common lands and public stock of⁽⁵⁾ such Borough or Body Corporate, and of any lands, tenements and hereditaments, and any sum or sums of money, chattels, securities for money, or other personal estate, of which any Person or any Body Corporate may be seised or possessed in whole or in part for any charitable uses or trusts, as fully and effectually, and for such time and in such manner, as he or she by any statute, charter, bye-law or custom in force at the time of passing this Act, might or could have had, acquired or enjoyed in case this Act had not been passed: Provided always, That the total amount to be divided amongst the Persons whose

rights

⁽¹⁾ s⁽²⁾ (B.) and (C.)⁽³⁾ s⁽⁴⁾ if this Act had not been passed⁽⁵⁾ any

rights are herein reserved in this behalf shall not exceed the surplus which shall remain after payment of the interest of all lawful debts chargeable upon the real or personal estate out of which the sums so to be divided have arisen, together with ⁽¹⁾ all ⁽²⁾ lawful expenses which, on the Fifth day of June One thousand eight hundred and Thirty-five were defrayed out of or chargeable upon the same : Provided also, That nothing hereinbefore contained shall be construed to apply to any claim, right or title of any Burgess ⁽³⁾ or Freema⁽⁴⁾n, or of any Person, to any discharge or exemption from any tolls or dues levied wholly or in part by or to the use or benefit of any Borough or Body Corporate; and that after the passing of this Act no Person shall have or be entitled to claim thenceforward any discharge or exemption from any tolls or dues lawfully levied in whole or in part by or to the use of any Body Corporate, except as hereinafter is excepted: Provided nevertheless, That every Person who, on the said Fifth day of June One thousand eight hundred and Thirty-five, was an inhabitant, or was *admitted* or was entitled to be admitted a Freeman or Burgess of any *such* Borough or *Body Corporate*, or who on the said Fifth day of June was the wife or widow, son or daughter of any Freeman or Burgess of any *such* Borough or *Body Corporate*, or who on the said Fifth day of June was bound an Apprentice, shall be entitled to have or acquire and enjoy the same discharge or exemption from any tolls or dues lawfully levied in whole or in part by or to the use of any ⁽⁵⁾ Body Corporate as fully and for such time and in such sort as he or she, by any statute, charter, bye-law or custom in force on the said Fifth day of June, might or would have had, acquired and enjoyed the same if this Act had not been passed, and no further or otherwise: Provided also, That where, by any statute, charter, bye-law or custom in force within any *such* Borough at the time of passing this Act, any Person whose rights in this behalf are herein reserved would have been liable in case this Act had not been passed to pay any fine, fee or sum of money to any Body Corporate, or to any member, officer or servant of any Body Corporate, in consideration of his Freedom, or of his or her title to such rights as are herein reserved, no such Person shall be entitled to have or claim any share or benefit in respect of the rights herein reserved as aforesaid until he or she shall have paid the full amount of such fine, fee or sum of money to the ⁽⁶⁾ *Commissioners for the time being having the management of the town fund hereinafter mentioned*

(¹) the salaries of Municipal Officers, and (²) other

(³) es (⁴) e (⁵) Borough or

(⁶) Treasurer of such Borough, appointed under the provisions of this Act, on account of the Borough Fund hereinafter mentioned :

tioned belonging to the town in which such Body Corporate shall have been constituted on account of such fund, but if there shall be no such town fund, every such person shall be entitled to have or claim such share or benefit as aforesaid, without payment of any fine, fee or sum of money: Provided also, That nothing in this Act contained shall be construed to entitle any Person to any share or benefit of the rights herein reserved who shall not have first fulfilled every condition which, if this Act had not passed, would have been a condition precedent to his or her being entitled to the benefit of such rights, so far as the same is capable of being fulfilled according to the provisions of this Act, or to strengthen, confirm or affect any claim, right or title of any Burgess⁽¹⁾ or Freema⁽²⁾n of any Borough or Body Corporate, or of any Person, to the benefit of any such rights as are hereinbefore reserved, but the same in every case may be brought in question, impeached and set aside in like manner as if this Act had not been passed.

5

III.

No Person to be admitted a Freeman by Gift or Purchase.

Provided always, and be it Enacted, That from and after the passing of this Act no Person shall be elected, made or admitted a Burgess or Freeman of any *such Borough or Body Corporate* by gift or purchase.

(3)

(1) es (2) e

4.

Corporations to be styled Mayor, Aldermen and Burgesses.

(3) And be it Enacted, That after the first election of Councillors under this Act in any Borough, the Body, or reputed or late Body Corporate, named in the said Schedules in connexion with such Borough, or if there be no such Body Corporate, the Inhabitants of such Borough, qualified as hereinafter mentioned, shall take and bear the name of the Mayor, Aldermen and Burgesses of such Borough, and by that name shall have perpetual succession, and shall be capable in law, by the Council hereinafter named of such Borough, to do and suffer all acts which such Bodies Corporate lawfully may do and suffer, and shall be entitled to, invested with, and possessed of all the lawful rights, trusts, properties and estates, now or of late legally vested in or belonging, or which of right ought to belong to such Boroughs or Bodies Corporate respectively, save only and except those vested in the Charitable Trustees of such Boroughs, pursuant to the provisions hereinafter contained; and the Mayor of each of the said Boroughs shall be capable in law to do and suffer all acts which the chief officer of such Borough might or may lawfully do and suffer, so far as such powers, rights, trusts and privileges respectively are not altered or annulled by the provisions of this Act.

6

And

And be it Enacted, That after the passing of this Act, the Metes and Bounds of the several Boroughs named in the said Schedules (A.) and (B.) and the first section of the Schedule (C.) respectively, shall, for the purposes of this Act, be the same as the limits thereof respectively settled and described in an Act passed in the second and third years of the reign of His present Majesty, intituled, "An Act to settle and describe the Limits of Cities, Towns and Boroughs in Ireland, in so far as respects the Election of Members to serve in Parliament;" and the Metes and Bounds of the several Boroughs named in the second section of the said Schedule (C.) shall, for the purposes of this Act, be and remain as the same are now taken to be by virtue of any charter or usage, until such time as Parliament shall otherwise direct.

5.
Boundaries of
certain Bo-
roughs to be
those settled
by 2 & 3 W. 4.
cap. 89;

Boundaries of
other Bo-
roughs to be
declared by
the Lord
Lieutenant.

And be it Enacted, That after the passing of this Act, every man of full age, who shall on the last day of August in any year be an inhabitant householder, resident within any Borough named in the said Schedule (A.), or within Seven Statute Miles of the said Borough, and shall hold and occupy within such Borough any house, warehouse, counting-house, office or shop, which either separately or jointly with any land within such Borough occupied therewith by him as tenant under the same landlord, or occupied therewith by him as owner, shall be truly and really of the full yearly value of Ten Pounds or upwards, shall, if duly enrolled, according to the provisions hereinafter contained, be a Burgess of such Borough, and Member of the Body Corporate of the Mayor, Aldermen and Burgesses of such Borough; and that after the passing of this Act, every man of full age who shall, on the last day of August in any year, be an inhabitant householder, resident within any Borough named in the said Schedules (B.) and (C.), or within Seven Miles of such Borough, and shall hold and occupy within such Borough any house, warehouse, counting-house, office or shop, which shall be truly and really of the full yearly value of Five Pounds or upwards, shall, if duly enrolled according to the provisions hereinafter contained, be a Burgess of such Borough, and a Member of the Body Corporate of the Mayor, Aldermen and Burgesses of such Borough: Provided always, That no such occupier shall be admitted to be enrolled under this Act, unless he shall have occupied such premises within said Borough, or other premises of the like nature within the said Borough, really and truly of the full yearly value of Ten Pounds or Five Pounds respectively, as the case may be, for the space of Six calendar Months at the least next preceding such enrolment; nor unless such occupier shall have paid or discharged all such Grand Jury and Municipal cesses, rates and taxes, if any, which shall have become legally due and payable by him in

6.
Occupiers of
Houses and
Shops of the
value of 10*l.*
in Boroughs
named in
Schedule (A.)
and of the
value of 5*l.*
in Boroughs
named in
Schedules
(B.) & (C.)
entitled to be
Burgesses, if
resident
within Seven
Miles.

respect of such premises, except such as shall have been imposed or become due, within Three calendar Months next before such enrolment: Provided, That in every case provided in this Act the distance of Seven Miles shall be computed by the nearest public road or way by land or water: Provided, That no Person, being an alien, shall be so enrolled in any year, and that no Person shall be enrolled, who within Twelve calendar Months next before the said last day of August, shall have received any pension or charitable allowance from any fund intrusted to the Charitable Trustees of such Borough herein-after mentioned, other than medical or surgical assistance; and provided that no Person shall be disqualified from being enrolled as a Burgess by reason that any child of such Person shall have been admitted and taught within any public or endowed school.

9

7.
In case of
Titles by
descent, &c.
how the occu-
pation is to be
reckoned.

And be it Enacted, That where any house, warehouse, office, counting-house or shop in any Borough shall come to any Person by descent, marriage, marriage settlement, devise or promotion to any benefice or office, such Person shall be entitled to reckon the holding and occupancy thereof by the Person from or by whom such house, warehouse, office, counting-house or shop shall have so come to him, as his own holding and occupancy, conjointly with the time during which he shall have since held and occupied the same, and shall be entitled to be enrolled a Burgess in respect of such successive holding and occupancy, provided he shall be otherwise qualified as herein provided.

10

8.
Burgesses who
cease to be
occupiers
within the
Borough, or
neglect to pay
their rates, to
be omitted
from the Bur-
gess Roll, but
may be re-
stored at any
subsequent
revision of the
Burgess Roll.

And be it Enacted, That if any Person who shall have been enrolled a Burgess of any Body Corporate within any Borough, according to the provisions of this Act, shall at any time thereafter cease to hold and occupy a house, warehouse, office, counting-house or shop within the Borough, or cease to be an inhabitant householder within the same, or within Seven Miles thereof, or neglect or refuse to pay such cesses, rates and taxes as aforesaid, due from him at the time of the revision of the Burgess Roll, except as hereinbefore is excepted, his name shall at the then next revision of the Burgess Roll be struck out from the said Burgess Roll, and he shall thereupon cease to be a Burgess and member of the said Body Corporate: Provided nevertheless, That at any future revision of the Burgess Roll, he shall be entitled again to be and be enrolled a Burgess and member of the said Body Corporate, when he shall be duly qualified, as herein provided.

9.
No Burgess
to be elected
who is not
qualified under
this Act.

And be it Enacted, That after the passing of this Act, no Person shall be elected or enrolled a Burgess of any Borough for the purpose of enjoying the rights conferred for the first time by this Act, in

11

AND whereas the right of voting in the Election of Members to serve in Parliament was, by an Act passed in the second and third years of the reign of His present Majesty, intituled, "An Act to amend the Representation of the People of Ireland," preserved to all Freemen, Freeholders and Persons who, by reason of any Corporate or other right, were then by law entitled to vote at the Election of a Member or Members to serve in Parliament for any City, Town or Borough, and all Persons who, by reason of birth, marriage or service, or of any statute then in force, should be at any time thereafter admitted to their Freedom in any City, Town or Borough, subject to the conditions and provisions in that Act contained; BE it Enacted, *That all Persons now entitled to vote at the Election of a Member or Members to serve in Parliament for any City, Town or Borough, shall continue to enjoy such right as fully as if this Act had not been passed, and That every Person who, if this Act had not been passed, would have* ⁽¹⁾ *had a right to be admitted a Freeman, or to be placed on the Roll of Freemen of any such Borough as aforesaid, in order to be registered and vote in the Election of a Member or Members to serve in*

12 *Parliament, or might hereafter have acquired* ⁽²⁾ *such right,* ⁽³⁾ *shall be entitled to acquire and enjoy such right of voting as fully as if this Act had not been passed; notwithstanding he, or the Person through whom he derived such right, shall not have been admitted to the freedom, or his name have been placed on the Roll; and the provisions and directions contained in the said Act of the second and third years of the reign of His present Majesty, and in any other Act or Acts of Parliament now in force for registering Persons as Voters, and for claiming and determining the right to be registered, shall extend and be applied to every such person, notwithstanding he or the person through whom he derives such right shall not have been admitted to his freedom, in like manner as the same would have been applicable to him if he had been admitted to his freedom.*

(4)

in respect of any right or title other than by residence, occupancy and payment of cesses, rates and taxes within such Borough, according to the meaning and provisions of this Act; and from and after the passing of this Act no Person shall be elected, made or admitted a Burgess or Freeman of any Borough by gift or purchase.

(1) enjoyed,

(2) in respect of birth or marriage or servitude, as a Freeman, the

(3) of voting in the Election of a Member or Members to serve in Parliament for any City, Town or Borough,

(4) And be it Enacted, That on or before the Fifth day of September in this year, the churchwardens of every parish, wholly or in part within any Borough, shall make out an alphabetical List, according

IV.
Persons who before the passing of this Act ⁽¹⁾ would have been entitled to vote for Members of Parliament, may still enjoy such right.

(1) were

11.
Churchwardens of each Parish to make out Lists in this

present year
of Persons
qualified as
Burgesses in
each Borough.

to the Form Number 1, in the Schedule (D.) to this Act annexed, of all Persons, with their respective residences, who shall be entitled to be enrolled in the Burgess Roll according to the provisions of this Act, in respect of property within such Parish and Borough, and shall sign such List, and deliver the same, on the said Fifth day of September, to the Town Clerk, or person acting as such; and if there shall be no Town Clerk, to the Mayor, Provost or other chief officer of the Corporate Body, or the Person acting as such; and when there shall be no such officer, then to the Person appointed by the Lord Lieutenant, as hereafter directed; and shall keep a true copy of such List, to be perused by any Person without payment of any fee, at all reasonable hours between the said Fifth and the Fifteenth day of September aforesaid.

12.
Extra-paro-
chial Places,
&c.

And be it Enacted, That in extra-parochial places, and in Parishes 13
where there is no Churchwarden, or where the Churchwarden may be absent or incapable of acting, the Lord Lieutenant shall appoint, by writing under his hand, a proper person to perform the duty of Churchwarden under this Act, and the acts of such person shall be as valid as if done by a Churchwarden.

13.
Town Clerks
to make out
Lists in Bo-
roughs.

And be it Enacted, That on or before the Fifth day of September in every succeeding year, the Town Clerk of such Borough shall make out an alphabetical List, according to the said Form Number 1, in the Schedule (D.) to this Act annexed, of all persons who shall be entitled to be enrolled in the Burgess Roll of that year within such Borough, and shall sign such List, and shall on that day deliver a true copy of such List, signed by himself, to the Mayor of such Borough, and shall himself keep such original List, to be perused by any person without payment of any fee, at all reasonable hours between the Fifth and the Fifteenth days of September in every year; and the Town Clerk shall forthwith cause copies to be printed of all Lists delivered to him by the Churchwardens, and of all Lists made out by himself, or under his direction; and shall deliver a copy of all such Lists to any person requiring the same, on payment of a 14
sum of One Shilling for each copy; and shall cause a copy of all such Lists to be fixed on or near the outer door of the Town Hall, or in some public and conspicuous situation within the Borough, on every day during the week next preceding the Fifteenth day of September in every year: Provided always, That in any Borough in which there shall be no Town Clerk, or in which the Town Clerk shall be incapable of acting, all matters by this Act required to be done by and with regard to the Town Clerk shall be done by and with regard to the Person executing duties in such Boroughs similar to those of Town Clerk; and if there be no such Person, or
if

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if such Person shall be incapable of acting, then by and with regard to such fit Person as the Mayor of such Borough shall appoint in that behalf.

And be it Enacted, That every Person whose name shall have been omitted in any such List, and who shall claim to have his name inserted on the Burgess Roll, shall, on or before the Fifteenth day of September in every year, give notice thereof to the Town Clerk in writing, according to the Form Number 2, in the said Schedule (D.), or to the like effect; and every Person whose name shall have been inserted in any such List for any Borough may object to any other Person as not being entitled to have his name retained in the Burgess Roll for the same Borough; and every Person so objecting shall, on or before the Fifteenth day of September in every year, give to the Town Clerk of such Borough, and also to the Person objected to, or leave at the premises in respect of which his name shall have been inserted in such List, notice thereof in writing, according to the Form Number 3, in the said Schedule (D.), or to the like effect; and every Town Clerk shall include the names of all Persons so claiming in a List, according to the Form Number 4, in the said Schedule (D.); and the names of all Persons so objected to in a List, according to the Form Number 5, in the said Schedule (D.), and shall cause copies of such Lists to be fixed on or near the outer door of the Town Hall, or in some public and conspicuous situation within such Borough, during the Eight Days next preceeding the First day of October in every year; and the Town Clerk shall likewise keep a copy of the names of all the Persons so claiming as aforesaid, and also a copy of the names of all Persons so objected to as aforesaid, to be perused by any Person without payment of any fee, at all reasonable hours, during the Eight days, Sunday excepted, next preceeding the First day of October in every year, and shall deliver a copy of each of such Lists to any Person requiring the same, on payment of a sum not exceeding One Shilling for each copy.

14.
Persons omitted from the Lists to give notice to the Town Clerk.

Notices as to Persons not entitled to be retained in the Lists.

Lists of Claimants, and of Persons objected to, to be published, &c.

And be it Enacted, That the Barrister appointed as hereinafter stated in the present year, and the Mayor of every Borough, and the Two Assessors hereinafter mentioned in every succeeding year, shall hold an open Court within such Borough, for the purpose of revising the said Lists, at some time between the First day of October inclusive, and the Fifteenth day of October inclusive, in every year, having first given Three clear Days' notice of the holding of such Court, to be fixed on or near the door of the Town Hall, or in some public and conspicuous situation within the Borough; and the Town Clerk of every such Borough shall, at the opening of the Court, pro-

15.
Mayor to revise Lists, and upon due proof to insert and expunge Names.

duce the said Lists before him, and a copy of the Lists of the Persons claiming and of the Persons objected to, so made out as aforesaid; and the several Churchwardens for the present year of every Parish wholly or in part within every such Borough, shall attend the Court to be holden in this present year; and such Town Clerk and Churchwardens respectively shall answer upon oath all such questions as the Court may put to them, or any of them, touching any matter necessary for revising the said Lists; and the Mayor shall insert in such Lists the name of every Person who shall be proved, to the satisfaction of the Court, to be entitled to be enrolled in the Burgess Roll, according to the provisions of this Act; and shall retain on the said Lists the names of all Persons to whom no objection shall have been duly made and sustained; and where the name of any Person inserted in any one of the said Lists shall have been duly objected to, and the Person objecting shall appear by himself, or by some one on his behalf, in support of such objection, the Court shall require proof of the qualification of the Person so objected to; and in case the qualification of such Person shall not be proved to the satisfaction of the Court, the Mayor shall expunge the name of every such Person from the said Lists; and he shall also expunge from the said Lists the name of every Person who shall be proved to be dead, and shall correct any mistake or supply any omission which shall be proved to have been made in any of the said Lists in respect to the name or place of abode, or local description of the property of any Person who shall be included in any such List: Provided always, That no Person's name shall be inserted by the Mayor in any such List, or shall be expunged therefrom, except in the case of death, unless notice shall have been given as is hereinbefore required in each of the said cases: Provided also, That no ground of objection shall be inquired into at any such Court other than is stated in some notice so given as aforesaid; provided further, that it shall be lawful for the Lord Lieutenant of Ireland to appoint by warrant under his hand, so many Barristers of not less than Five years standing at the bar, as he shall think fit, to revise the List of Burgesses in any City, Town or Borough, in the present year; and the Barrister so appointed shall for that purpose be in the place and stead of the Mayor and Assessors of such City, Town or Borough, and shall revise the List of Burgesses in this year, and have all such powers as the Mayor and Assessors will possess in the succeeding year.

16.

Mayor, on revising the Lists, to have power of adjourning, of administering Oaths, &c. and shall set-

And be it Enacted, That every Mayor or Barrister holding any Court under this Act for the revision of the said Lists, shall have power to adjourn the same from time to time, so that no such adjourned Court shall be held after the Fifteenth day of October in any year, and shall have power to require any High Constable, Churchwarden

or

Power to rectify mistakes in the Lists.

Lord Lieutenant may appoint Revising Barrister for the present Year.

or other Person authorized to applot, collect or levy any Grand Jury cess, or Municipal rate or tax, within any Parish wholly or in part within the Borough, or other Person or Persons having the custody of any book of applotment or rate or valuation, to produce the same, and allow the same to be inspected at any Court to be held for revision of the Burgess Roll, and shall have power to administer an Oath to the Town Clerk and Churchwardens, and to all Persons claiming to be inserted in or making objection to the omission or insertion of any name in the said Lists, and to all Persons objected to in any of such Lists, and to all Persons claiming to have any mistake in any such Lists corrected, and to all Witnesses who may be tendered or examined on either side; and if any Person taking any oath or making any affirmation under this Act shall wilfully swear or affirm falsely, such Person shall be deemed guilty of Perjury, and shall be punished accordingly; and the Mayor and Assessors or Barrister shall, upon hearing in open
 20 Court, determine upon the validity of such claims and objections, and the Mayor or Barrister shall, in open Court, write his initials against the names respectively struck out or inserted, and against any part of the said Lists in which any mistake shall have been corrected, and shall sign his name to every page of the several Lists so settled.

He and sign
the Lists in
open Court.

And be it Enacted, That every Barrister appointed to revise any List under this Act, shall be paid at the rate of Five Guineas for every day he shall be so employed, over and above his travelling expenses; and every such Barrister, after the termination of his last Sitting, shall lay before the Commissioners of His Majesty's Treasury a Statement of the Number of Days during which he shall have been so employed in each Borough, and an account of the travelling Expenses incurred by him in respect of such employment; and the said Lords Commissioners shall make an Order for the amount to be paid to such Barrister out of the Consolidated Fund; provided that as soon as a Council shall be chosen in any Borough under the provisions of this Act, the said Lords Commissioners shall make an Order on the Council of such Borough for the amount paid to such Barrister; and the Council shall forthwith cause the same to be repaid to the said
 21 Lords Commissioners out of the Borough Fund of such Borough; and the same, if not paid, shall be deemed to be a Debt due to His Majesty, and recoverable as such; provided further, that if it shall appear to the Lord Lieutenant that for any cause the List cannot be revised within the period directed by this Act, it shall be lawful for him to appoint One or more Barrister or Barristers to act in the place of or in addition to any before appointed, who shall have the same power as if originally appointed.

17.
Remunera-
tion to Revis-
ing Barristers.

18.

Borough List
to be kept by
the Town
Clerk, and
copied into
Books, with
the Names
numbered.

Such Book to
be the Regis-
ter of Voters,
from which
Election shall
be made.

No Stamp
Duty payable
on enrolment.

And be it Enacted, That the Lists so revised and signed as last aforesaid, shall be delivered by the Mayor to the Town Clerk of such Borough, who shall keep the same, and shall cause the said Lists to be fairly and truly copied into one general Alphabetical List in a book to be by him provided for that purpose, with every name therein numbered, beginning the numbers from the first name, and continuing them in a regular series to the last name, and shall cause such book to be completed on or before the Twenty-second day of October in every year, and shall deliver such book, together with the Lists, at the expiration of his office, to the Person succeeding him in such office; and every such book shall be the Burgess Roll of the Burgesses of such Borough entitled to vote after the passing of this Act in the choice of the Council, Assessors and Auditors of such Borough as hereinafter mentioned, at any election which may take place in such Borough between the Twenty-fifth day of October inclusive, in the year wherein such Burgess Roll shall have been made, and the Twenty-fifth day of October in the succeeding year; provided that no Stamp Duty shall be payable in respect of the admission, registry or enrolment of any Burgess, according to the provisions of this Act.

22

19.

Mayor wil-
fully and cor-
ruptly ex-
punging or
not inserting
any Name
liable to an
action.

And be it Enacted, That if any such Mayor shall wilfully and corruptly expunge the name of any Person duly entitled to be enrolled on the said Burgess Roll, or shall wilfully and corruptly disallow the claim of any such Person duly entitled to have his name inserted in such Burgess Roll, such Mayor shall be liable to be sued by way of Civil Bill, in an action of debt for the penal sum of Ten Pounds, at the suit of such Person, in the Court of the Assistant Barrister, Chairman or Recorder, having jurisdiction by way of Civil Bill within such Borough; and if any such Mayor shall wilfully and corruptly insert or retain in such List the name of any Person who shall not be duly entitled to be enrolled on such Burgess Roll, such Mayor shall be liable to be sued by way of Civil Bill in an action of debt for the penal sum of Ten Pounds, at the suit of any Burgess of the said Borough, who shall sue for the same in the Court of the Assistant Barrister, Chairman or Recorder, having jurisdiction by way of Civil Bill within such Borough; and the Defendant in such action respectively, being convicted, shall pay such penal sum so awarded, with full costs of suit, to the party who may sue for the same; and if any Mayor, Town Clerk or Churchwarden shall wilfully neglect to make out such Lists, or wilfully omit the name of any Person which ought to be inserted thereon, or wilfully insert in or retain on such Lists the name of any Person which ought not to be inserted thereon, or wilfully neglect or refuse to perform the duties or any part thereof by this Act imposed, he shall be deemed

23

guilty

Mayor,
Town Clerk,
or Churchwar-
den neglect-
ing duty,
guilty of a
Misdemeanor.

guilty of a Misdemeanor, and may be indicted and punished accordingly.

24 And be it Enacted, That the Town Clerk of every Borough shall cause to be written or printed copies of the Burgess Roll in every year, and shall deliver such copies to all Persons applying for the same, on payment of a reasonable price for each copy; and the monies arising from the sale thereof, and of the Churchwardens' and Town Clerks' Lists, and of the Lists of claims and objections as aforesaid, shall be paid over to the Treasurer of such Borough, and shall be applied by him in aid of the Borough Fund hereinafter mentioned; and the Town Clerk of every Borough shall on or before the First day of December next, make out a List, to be called "The Burgess and Freeman's Roll," of all Persons who at the time of the passing of this Act shall have been admitted as Freemen of such Borough; and that whenever any Person shall become entitled to be admitted a Freeman of such Borough in respect of birth, servitude or marriage, and shall claim to be admitted accordingly, the Mayor of such Borough shall examine into such Claim, and upon such Claim being established, every such person shall thereupon be admitted and enrolled by the Town Clerk of such Borough upon the said Roll; and the Town Clerk shall keep a true copy of such Roll, to be perused by any person, without payment of any fee, at all reasonable times, and shall deliver a copy thereof to any person requiring the same, on payment of a reasonable price for such copy.

20.
Copies of
Burgess Roll
to be made
for sale.

25 And be it Enacted, That the Council of every Borough shall take an account of the reasonable expenses incurred in carrying into effect the several provisions of this Act, so far as relates to the said Lists, and shall order the Treasurer of the said Borough to pay the same out of the Borough Fund of the said Borough.

21.
Expenses of
Lists, how to
be defrayed.

26 And be it Enacted, That in every Borough shall be elected, at the time and in manner hereinafter mentioned, a certain number of fit Persons who shall be and be called "The Aldermen" of such Borough, and a certain number of other fit Persons who shall be called "The Councillors" of such Borough, and one fit Person who shall be and be called "The Mayor" of such Borough; and the number of Persons to be so elected Councillors of such Borough shall be the number of Persons in that behalf mentioned in conjunction with the name of such Borough in the Schedules (A.), (B.) and (C.) to this Act annexed; and the number of Persons so to be elected Aldermen shall be One-third of the number of Persons so to be elected Councillors; and such Mayor, Aldermen and Councillors for the time being, or so many of them as shall at any time be elected and have accepted the offices, shall be and be called the Council of such Borough.

22.
Mayor, Aldermen and
Councillors to
be chosen in
every Borough.

23.

Who not qualified to be chosen Mayor, Alderman or Councillor.

And be it Enacted, That no Person being in Holy Orders, or being the regular Minister of any Dissenting Congregation, shall be qualified to be elected, or to be a Councillor, or an Alderman, of any Borough, nor shall any Person be qualified to be elected, or to be a Councillor or an Alderman of any Borough, named in said Schedule (A.) to this Act annexed, who shall not be entitled to be on the Burgess List of such Borough, nor unless he shall be seised or possessed of real or personal estate, or of both, of the clear value of One thousand Pounds above what will satisfy his debts; nor shall any Person be qualified to be elected or to be a Councillor or an Alderman of any Borough named in the said Schedules (B.) and (C.) to this Act annexed, or either of them, who shall not be entitled to be on the Burgess List of the Borough for which he is elected, nor unless he shall be seised or possessed of real or personal estate, or of both, of the clear value of Five hundred Pounds above what will satisfy his debts, or shall occupy, and shall for Twelve Months next previous have occupied, an House of the clear yearly value of Twenty Pounds or upwards, situate within the Borough; nor shall any Person be qualified to be elected, or to be a Councillor or an Alderman of any Borough during such time as he shall hold any office or place of profit other than that of Mayor, in the gift or disposal of the Council or Charitable Trustees of such Borough, or while he is an uncertificated Bankrupt, or during such time as he shall have directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of such Council or Charitable Trustees; provided that no Person shall be disqualified from being a Councillor or Alderman of any Borough as aforesaid by reason of his being a proprietor or shareholder of or in any Company which shall contract with the Council of such Borough for lighting or supplying with water any part of the said Borough, or insuring against fire any property therein. 27

24.

Who shall vote in the election for Councillors

And be it Enacted, That every Burgess of any Borough who shall be enrolled on the Burgess Roll for the time being of such Borough, shall be entitled to vote in the election of Councillors, and of the Auditors and Assessors hereinafter mentioned for such Borough; and no Person who shall not be enrolled in such Burgess Roll for the time being shall have any voice or be entitled to vote in any such election. 28

25.

Directing the Election of Aldermen and Councillors.

And be it Enacted, That on the Twenty-fifth day of October in this present year, the Burgesses in each Borough mentioned in said Schedules, and not divided into Wards as hereinafter directed, shall elect from among the Persons qualified to be Councillors of such Borough, the number of Persons mentioned in the Schedules to this

Act

Act annexed, in conjunction with such Borough, as the number of Aldermen and Councillors of said Borough; and One-fourth part of the Persons so elected, being those who shall have the greatest number of votes, shall be the Aldermen of said Borough, and the remaining Three-fourths shall be the Councillors of such Borough.

And be it Enacted, That upon the Twenty-fifth day of October, One thousand eight hundred and Thirty-seven, and in every succeeding year, One-third part of the number appointed as aforesaid to be the whole number of the Councillors of every Borough shall go out of office; and the Burgesses then enrolled in the Borough shall elect the number of Councillors needed to supply the vacancies thereupon existing in the number of Councillors; and in the said year One
29 thousand eight hundred and Thirty-seven, those who shall so go out of office shall be the Councillors who were elected under the provisions of this Act, by the smallest numbers of votes in this present year; and in the next year, One thousand eight hundred and Thirty-eight, those who shall so go out of office shall be the Councillors who were elected under the provisions of this Act, by the next smallest numbers of votes in this present year; the majority of the whole Council always determining, when the votes for any such Persons shall have been equal, or in case there shall have been no contest, who shall be the Persons so to go out of office; and thereafter those who shall so go out of office shall always be the Councillors who have been for the longest time in office without re-election: Provided always, That any Councillor so going out of office shall be capable of being forthwith re-elected, if then qualified as herein provided.

26.

One-third part
of the Council
to go out of
office an-
nually.

And be it Enacted, That on the Twenty-fifth day of October One thousand eight hundred and Thirty-nine, and in every Third succeeding year, One-half of the number appointed to be the whole number of the Aldermen of every Borough shall go out of office, and the Burgesses then enrolled in the Borough shall elect the number of Aldermen needed to supply the vacancies thereupon existing
30 in the number of Aldermen; and in the year One thousand eight hundred and Thirty-nine, the Aldermen who shall go out of office shall be the Aldermen who were elected by the smallest number of votes in this year, and the majority of the Council determining when the votes for any such Persons shall have been equal, or in case there shall have been no contest, who shall be the Aldermen first to go out of office, and thereafter those who shall go out of office shall always be those who have been Aldermen for the longest time without re-election: Provided always, That any Alderman, on going out of office, may be forthwith re-elected if then qualified.

27.

One-half the
Number of
Aldermen to
go out of
office every
Three Years.

28.
Elections, how
to be held.

Mode of
voting.

And be it Enacted, That every election of Aldermen or of Councillors within any Borough, according to the provisions of this Act, shall be held before the Mayor and Assessors for the time being of such Borough, except as herein is excepted; and the voting at every such election shall commence at Nine of the clock in the forenoon, and shall finally close at Four of the clock in the afternoon of the same day, and shall be conducted in manner following; (that is to say) every Burgess entitled to vote in the election may vote for any number of Persons, not exceeding the number of Aldermen or Councillors then to be chosen, by delivering to the Mayor a Voting Paper, containing the christian names and surnames of the Persons for whom he votes, with their respective places of abode and descriptions, such paper being previously signed with the name of the Burgess voting, and with the name of the street, lane or other place in which the property in respect of which he is enrolled is situated. 31

29.
Polling-booths
to be pro-
vided.

And be it Enacted, That at every election under this Act in any Borough, the Mayor, if it shall appear to him expedient for taking the Poll at such election, may cause Booths to be erected, or Rooms to be hired and used as such Booths for different parts of such Borough, and such Booths or Rooms may be situated either in one place or in several places, and shall be so divided and allotted into compartments as to the Mayor shall seem most convenient; and the Mayor shall appoint a Clerk to take the Poll at each compartment, and shall cause to be affixed on the most conspicuous part of each of the said Booths the Names of the Parts of the Borough for which such Booth is respectively allotted; and no Person shall be admitted to vote at any such election, except at the Booth allotted for the part wherein the house, warehouse, counting-house, office or shop occupied by him as described in the Burgess Roll may be; but in case no Booth shall happen to be provided for any particular part as aforesaid, the votes of the Persons voting in respect of property situate in any part so omitted may be taken at any of the said Booths; and public notice of the situation, division and allotments of the different Booths shall be given Two Days before the commencement of the Poll by the Mayor; and in case the Booths shall be situated in different places, the Mayor may appoint a Deputy to preside at each place: Provided, That no Election shall be holden under this Act in any Borough in any church, chapel, or other place of public worship. 32

30.
No inquiry of
the Voter, ex-
cept as to his
identity, and
whether he
has voted be-
fore at the
same Election.

And be it Enacted, That no inquiry shall be permitted at any election as to the right of any Person to vote as a Burgess in any Borough, except only as follows; (that is to say) that the Mayor or other presiding officer shall, if required by any two Burgesses entitled

titled to vote in the same Borough, put to any Voter at the time of his delivering in his voting paper, and not afterwards, the following Questions, or any of them, and no other:

1. Are you the Person whose name is signed as A. B. to the voting paper now delivered in by you?

Forms of
Questions as
to these points.

2. Are you the Person whose name appears as A. B. on the Burgess Roll now in force for this Borough, being registered therein for property described to be situated in ?
[here specify the Street, &c. as described in the Burgess Roll.]

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3. Have you already voted at the present election?

And no Person required to answer any of the said Questions shall be permitted or qualified to vote until he shall have answered the same; and if any Person shall wilfully make a false Answer to any of the Questions aforesaid, he shall be deemed guilty of a Misdemeanor, and may be indicted and punished accordingly.

And be it Enacted, That the Mayor and Assessors shall examine the voting papers so delivered as aforesaid, for the purpose of ascertaining which of the several Persons voted for are duly elected; and so many of such Persons, being equal to the number of Persons then to be chosen, as shall have the greatest number of votes, shall be deemed to be elected; and in case of an equality in the number of votes for any two or more Persons, the Mayor and Assessors, or any Two of them, shall name from amongst those Persons for whom the number of votes shall be equal, so many as shall be necessary to complete the requisite number of Persons to be chosen; and the Mayor shall cause the voting papers to be kept in the office of the Town Clerk during Six calendar Months at the least after every such election; and the Town Clerk shall permit any Burgess to inspect the voting papers of any year on payment of One Shilling for every search; and the Mayor shall publish a List of the Names of the Persons so elected, together with the number of Votes given in favour of each Person so elected, not later than Two of the clock in the afternoon of the day next but one following the day of such election, unless such day be Sunday, and then on the Monday following: Provided always, That if the Mayor or any Assessor of any Borough shall at the time when it shall be necessary to execute the powers and duties herein provided, with respect to electors, be dead, absent or otherwise incapable of acting, the Council of such Borough shall forthwith elect one of the Aldermen to execute all such powers and duties in his place, whose acts shall be as valid as any act of the Person instead of whom he shall have been so elected.

34

31.
Result of
Election, how
to be declared.

V.

Certain Bodies Corporate dissolved. (1)

(1) Existing Mayors and Councils to go out of Office on election of Councils under this Act.

And be it Enacted, That ⁽¹⁾ on the ⁽²⁾ first ⁽³⁾ day of January One thousand eight hundred and Thirty-seven, the several Bodies or reputed Bodies Corporate named in the said Schedule (A.) to this Act annexed, shall be dissolved, save only so far and for such purposes as hereinafter are mentioned, and that no election of any officer of ⁽⁴⁾ any Body Corporate, ⁽⁵⁾ named ⁽⁶⁾ in the said Schedule ⁽⁷⁾ (A.), ⁽⁸⁾ shall be holden after the passing of this Act (except for the purpose of supplying a vacancy occasioned by death, removal or resignation), and in every case in which an election of any such officer is appointed, by statute, charter, bye-law or custom, ⁽⁹⁾ to be holden between the day of the passing of this Act and the said ⁽¹⁰⁾ day ⁽¹¹⁾ on which such office shall cease, or the person holding it

32.

Election of Auditors and Assessors.

And be it Enacted, That on the Tenth day of November in the year One thousand eight hundred and Thirty-six, and in every succeeding year, the Burgesses of every Borough shall elect from the Persons qualified to be Councillors, by a majority of votes, Two Burgesses who shall be and be called Auditors of such Borough, and Two Burgesses who shall be and be called Assessors of such Borough, and every such Auditor and Assessor shall continue in office until the Tenth day of November in the year following his election; and the election of such Auditors and Assessors respectively shall be in form and manner hereinbefore provided for the election of Councillors: Provided nevertheless, That in every such election of Auditors or Assessors, no Burgess shall vote for more than One Person to be an Auditor or Assessor: Provided also, That no Burgess shall be eligible to be or be elected such Auditor or Assessor as aforesaid, who shall be of the Council, or the Town Clerk, or Treasurer of such Borough.

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⁽¹⁾ after ⁽²⁾ declaration of the

⁽³⁾ election of the Councillors under the provisions of this Act in any Borough, the Mayor, Aldermen and Common Councilmen, and all other members of the Common Council or Governing Body ⁽⁴⁾ the ⁽⁵⁾ if any, ⁽⁶⁾ in conjunction with such Borough ⁽⁷⁾ s

⁽⁸⁾ (B.) and (C.), by whatever name or style they may be known or called, then in office, or elected to any office, shall go out of office, and their whole powers and duties shall cease: Provided nevertheless, That any of the said Persons shall be eligible to be elected and appointed under the provisions of this Act: Provided also, That such Persons as by virtue of any Charter are Justices of the Peace in any Borough at the time of passing this Act shall continue to have and exercise all the powers which at the time of passing this Act they have as Justices of the Peace, until the First day of December next, and no longer: Provided also, That in every Borough

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⁽⁹⁾ any election is appointed ⁽¹⁰⁾ Twenty-fifth

⁽¹¹⁾ of October, both inclusive, no such election shall be holden; but every

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it shall go out of office or be removed, in pursuance of this Act, the Person holding ⁽¹⁾ or elected to ⁽²⁾ such office ⁽³⁾ on the day of the passing of this Act shall hold such office, and have all the powers, and be subject to all the duties ⁽⁴⁾ belonging thereto, in the same manner as if he had been elected to such office at any time between the day of the passing of this Act and the said ⁽⁵⁾ day ⁽⁶⁾ on which his office shall cease, or he shall go out of office; ⁽⁷⁾ or be removed from such office, in pursuance of this Act: Provided always, That no Person so elected for the purpose of supplying such vacancy shall be entitled to any compensation under the provisions of this Act.

⁽⁸⁾

⁽¹⁾ office ⁽²⁾ any ⁽³⁾ in any Borough

⁽⁴⁾ and be entitled to the same or a proportion of the same salary and
37 fees of such office for the time for which he shall act, as he would have had and been, if ⁽⁵⁾ Twenty-fifth

⁽⁶⁾ of October until the time provided by this Act for him to

⁽⁷⁾ any statute, charter, bye-law or custom notwithstanding.

⁽⁸⁾ AND whereas it is expedient that certain Boroughs of large population should be divided into Wards before any election of Councillors for such Boroughs shall take place; BE it Enacted, That every Borough in the said Schedules (A.) and (B.) shall be divided into the number of Wards mentioned in such Schedule, in conjunction with the name of such Borough; provided, that Parliament, by an Act to be passed in this present Session, shall direct in what manner such division shall be made, and shall apportion among the several Wards of such Borough the number of Councillors and Aldermen mentioned in conjunction with the name of such Borough in the said Schedule, so that the number of Councillors assigned to each Ward may be a number divisible by Three, and the number of Aldermen One-third of the number of
38 Councillors; and in that case the number of Councillors and Aldermen so assigned to each Ward of such Borough shall thenceforth be the number to be elected in such Ward as hereinafter mentioned.

34.
Certain Boroughs to be divided into Wards.

And be it Enacted, That in every case in which there shall be a division into Wards of any Borough, the Burgesses of every such Ward, and none others, shall, on the Twenty-fifth day of October next, separately elect from the Persons qualified to be Councillors, the whole number of Aldermen and Councillors assigned to such Ward; and the One-fourth of the Persons so elected, who shall have the greatest number of votes shall be the Aldermen of such Ward, and the remaining Three-fourths shall be the Councillors of such Ward; and the Burgesses of such Ward, and none others, in every subsequent year, shall separately elect from the Persons qualified to be Councillors One-third part of the whole number of Councillors assigned to such Ward, and in every Third subsequent year One-half of the whole number of Aldermen assigned to such Ward, and on the First day of November next

35.
Election of Councillors and Assessors in Wards.

after the first election of Councillors in such Ward, and in every subsequent year, shall separately elect from the Persons qualified to be Councillors Two Assessors for such Ward, besides the Two Assessors chosen as aforesaid by the Burgesses of the whole Borough, to hold the Court with the Mayor for revising the Burgess Lists; and every such Ward election first after such division into Wards of any Borough shall be held before the Mayor, or the Person whom the Mayor for the time being shall and he is hereby required to appoint in that behalf, and in every succeeding year shall be held before the Alderman whom the Councillors chosen in such Ward shall yearly appoint in that behalf, and before the Two Assessors of such Ward; and the votings and other proceedings in all other respects at such Ward elections shall be conducted in the same manner as at elections of Aldermen, Councillors or Assessors respectively by the Burgesses of the whole Borough, and the Alderman and Assessors of each Ward, and the Persons who may be so appointed shall have the same powers in regard to elections in their Ward as the Mayor and Assessors for the whole Borough if not divided into Wards; and every Person so elected an Alderman, Councillor or Assessor in such Ward shall hold his office for the same time that he would have held it if he had been elected by the Burgesses of the whole Borough, and if the number elected in such Ward had been the whole number for the Borough.

36.

Lists of the Burgesses in each Ward to be made out yearly.

And be it Enacted, That for the purpose of better ascertaining who are the Burgesses of any such Ward, the Burgess Roll of every Borough so divided into Wards shall thenceforward yearly be made out by or under the direction of the Town Clerk, in Alphabetical Lists of the Burgesses in each Ward, to be called "Ward Lists."

37.

Burgesses to vote for the Councillors of the Ward in which their property is situate.

And be it Enacted, That after such division into Wards every Burgess of any Borough shall be entitled to vote in the election of the Aldermen and Councillors to be chosen within that Ward in which some part of the property of such Burgess, in respect of which he is enrolled on the Burgess Roll for the time being of such Borough, shall appear to be situated, and not otherwise; and in case it shall happen that any Burgess shall be enrolled in respect of property in two or more Wards, then he shall be entitled, if otherwise duly qualified, according to the provisions of this Act, to be enrolled and vote in such one of the said Wards as he shall at the time of his enrolment select, but not in more than one.

38.

Manner of proceeding if any Person is elected a Councillor in more than one Ward.

And be it Enacted, That if at any election of Aldermen, Councillors or Assessors for any Borough, any Person shall be elected an Alderman, Councillor or Assessor in more than one of the Wards of such Borough, he shall, within Three Days after notice thereof, choose, or in his default the Mayor shall declare for which one of the said Wards such Alderman, Councillor or Assessor shall serve, and such Person shall

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shall thereupon be held to be elected in that Ward only which he shall so choose, or which the Mayor shall so declare.

And be it Enacted, That if an extraordinary vacancy shall be occasioned in the office of Alderman, Councillor, Auditor or Assessor, for any Borough, the Burgesses entitled to vote shall, on a day to be fixed by the Mayor of such Borough, or by the Alderman of the Ward in which the vacancy has happened, accordingly as the election is to be by the Burgesses of the whole Borough, or of any particular Ward, (such day not to be later than Ten Days after such vacancy), elect from the Persons qualified to be Councillors another Burgess to supply such vacancy; and such election shall be held, and the voting and other proceedings, in case of a contest, shall be conducted in the same manner, and subject to the same provisions, as are hereinbefore enacted with respect to the election of Councillors as aforesaid; and every Person so elected shall hold such office until the time at which the Person in room
42 of whom he was chosen, would regularly have gone out of office, and he shall then go out of office, but shall be capable of immediate re-election, if then qualified as herein provided: Provided always, That after the full number to be regularly elected of the Council in any year shall have declared their acceptance of office, no new election of Councillors shall be made by reason of such extraordinary vacancy, unless the number of Councillors remaining after such vacancy shall not exceed Two-thirds of the whole number of the Councillors of such Borough.

39.
Occasional
Vacancies in
the Council
to be filled up
by fresh
Election.

And be it Enacted, That on the First day of November in every year, the Council of the Borough shall elect out of the Aldermen or Councillors of such Borough a fit Person to be the Mayor of such Borough, who shall continue in his office for One whole Year; and in case of an equality of votes in any election of Mayor, the Alderman who shall have been elected by the greatest number of votes shall have a second or casting vote; and in case a vacancy shall be occasioned in the office of Mayor of the Borough during such year, by reason of any Person who shall have been elected to such office not accepting the same, or by reason of his dying or ceasing to hold the said office, the
43 Council of the Borough shall, within Ten Days after such vacancy, elect out of the Aldermen or Councillors of the said Borough another fit Person to be the Mayor thereof for the remainder of the then current year.

40.
Election of
Mayor by
Council.

And be it Enacted, That in case any extraordinary vacancy shall be occasioned in the office of Alderman by reason of any Person who shall have been elected to such office not accepting the same, or by reason of his dying or ceasing to hold the said office, the Burgesses, in case no division into Wards shall have been made, and when such division shall have been made, the Burgesses of the Ward in which the vacancy may have occurred shall, within Ten Days after such vacancy, elect out

41.
Election of
Aldermen of
the Wards.

of the Councillors, or Persons qualified to be Councillors of the Borough, another fit Person to be an Alderman of the Ward, instead of the Person so declining, dying or ceasing to hold office.

42.
Mayor and
Councillors
not to act
until they
have made a
Declaration of
acceptance of
office.

And be it Enacted, That no Person elected a Mayor, Alderman or Councillor, Assessor or Auditor for any Borough under the provisions of this Act, shall be capable of acting as such, except in administering the Declaration hereinafter contained, until he shall have made and subscribed, before any Two or more of such Aldermen or Councillors (who are hereby respectively authorized and required to administer the same), a Declaration in the words or to the effect following ; (that 44
is to say)

“ I, A. B., having been elected Mayor [or, Alderman, Councillor, Auditor or Assessor] for the Borough of
do hereby declare, That I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.”

And in the case of the Party being required to be qualified by estate, say,

“ And I do hereby declare, That I am seised or possessed of real or personal estate, [or both, as the case may be], to the amount of One thousand Pounds or Five hundred Pounds [as the case may require], over and above what will satisfy my debts.”

Or when a qualification by reason of the occupancy of a house of the value of Twenty Pounds is allowed :

“ That I now occupy and have for Twelve Months last past occupied a house of the clear yearly value of Twenty Pounds, situate within the Borough of”

Provided that when a rate shall have been imposed in any Borough under this Act, the words “ rated as being of the value of Twenty Pounds ” shall be inserted instead of the words “ of the clear yearly 45
value.”

And that every Alderman who shall have made and subscribed the foregoing Declaration in respect of estate, shall once in every period of Three Years, if required in writing so to do by any Two Members of the Council, make and subscribe a Declaration that he is qualified to the same amount in real or personal estate, or both, as the case may then be, as the amount mentioned in the Declaration originally made or subscribed by him.

43.
Every Bur-
gess elected
to the office
of Councillor,
and every
Councillor
elected to the
office of
Mayor or

And be it Enacted, That every Person duly qualified who shall be elected to the office of Alderman, Councillor, Auditor or Assessor, and every Councillor or Alderman who shall be elected to the office of Mayor for any Borough, shall accept such office to which he shall have been elected, or shall in lieu thereof pay to the Mayor, Aldermen and
Burgesses

Burgesses of such Borough such Fine, not exceeding Fifty Pounds in case of Aldermen, Councillors, Assessors or Auditors; and such fine not exceeding One hundred Pounds in case of Mayor, as the Council of such Borough, by a Bye-law to be made as hereinafter provided, shall declare in that behalf; and such Fine, if not duly paid, shall be levied by the Warrant of any Justice having jurisdiction within such Borough, who is hereby required, on application of the Council, to issue the same by distress and sale of the goods and chattels of the Person so refusing to accept such office, with the reasonable charges of such distress, and shall also be recoverable by way of Civil Bill in an action of debt, at the suit of the Mayor, Aldermen and Burgesses of such Borough, in the Court of the Assistant Barrister, Chairman or Recorder, having jurisdiction by way of Civil Bill within such Borough; and every such Person so elected shall accept such office, by making and subscribing the Declaration hereinbefore mentioned, within Five Days after notice of his election, otherwise such Person shall be liable to pay the said Fine as for his non-acceptance of such office; and such office shall thereupon be deemed to be vacant, and shall be filled up by a fresh election, to be made in the manner hereinbefore mentioned: Provided always, That no Person disabled by lunacy or imbecility of mind, or by deafness, blindness or other permanent infirmity of body, shall be liable to such Fine as aforesaid: Provided also, That every Person so elected to any such office, who shall be above the age of Sixty-five Years, or who shall be a Member of Parliament or Sheriff of a county, or who shall have already served such office respectively, or paid the Fine for not accepting such office respectively, within Five Years from the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office, if he shall claim such exemption within Five Days after notice of his election; and that nothing herein contained shall extend to compel the acceptance of any office or duty whatever in any Borough by any Military, Naval or Marine Officer in His Majesty's service on full pay, or any officer of Excise or Customs, or any Person employed in any of His Majesty's Dockyards, Victualling Establishments, Arsenals or Barrack, or any person serving in the office of High or Sub-Sheriff of a county at large, or being a Member of the House of Commons; provided further, that no person enabled by law to make an affirmation or declaration instead of taking an oath, shall be liable to any fine for non-acceptance of office in any Borough.

Alderman of the Ward, shall accept the office, or pay a Fine to the Borough Fund.

Exemptions.

Provided always, and be it Enacted, That if any Person holding the office of Mayor, Alderman or Councillor for any Borough shall be declared Bankrupt, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall compound by deed with his Creditors, or being Mayor, be absent for more than Two calendar Months,

44.
Any Mayor or Councillor, if he shall be declared Bankrupt or Insolvent, or absent himself from the Borough, shall lose his office.

or being an Alderman or Councillor for more than Six Months, at one and the same time (unless in case of illness or other reasonable cause to be allowed by the Council), from the Borough of which he shall be Mayor, Alderman or Councillor, then and in every such case such Person shall thereupon immediately become disqualified, and shall cease to hold the office of such Mayor, Alderman or Councillor as aforesaid, and in case of such absence shall be liable to the same Fine, to be recovered in the same manner as if he had refused to accept the said office, and the Council thereupon shall forthwith declare the said office to be void, and shall signify the same by notice in writing under the hands of Three or more of them, countersigned by the Town-Clerk, to be affixed in some public place within the Borough, and the said office shall thereupon become void ; but every Person so becoming disqualified, and ceasing to hold such office, on account of his being declared a Bankrupt, or of his applying to take the benefit of any Act for the relief of Insolvent Debtors, or having compounded with his Creditors as aforesaid, shall, on obtaining his Certificate, or on payment of his debts in full, be capable, if otherwise qualified, of 49 being re-elected to such office ; and every Person becoming disqualified to hold such office on account of absence as aforesaid shall, on his return to such Borough, be capable of being re-elected to such office, provided he shall then be otherwise qualified.

45.
Penalty on
Person not
qualified, &c.
acting as
Mayor,
Alderman or
Councillor.

And be it Enacted, That if any Person shall act as Mayor, Alderman or Councillor, or Auditor or Assessor for any Borough, without having made the Declaration hereinbefore required in that behalf, or without being duly qualified at the time of making such Declaration, or after he shall have ceased to be qualified according to the provisions of this Act, or after he shall have become disqualified to hold any such office, he shall for every such offence forfeit the sum of Fifty Pounds, such sum to be recovered, with full costs of suit, by any Person who will sue for the same, within Three calendar Months after the commission of such offence, by action of debt or on the case, in any of His Majesty's Superior Courts of Record ; and every Person so sued by reason of not being so qualified in respect of estate shall prove that he was at the 50 time of so acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any further evidence being given on the part of the Plaintiff than that such Person has acted as the Mayor, or as Alderman, Councillor, Auditor or Assessor (as the case may be) of such Borough : Provided always, That it shall be lawful for any Defendant by Judge's order, or by the order of the court, to be obtained within Fourteen Days after he shall have been served with process in any such action, to require the Plaintiff to give security for Costs ; and in such case all further proceedings in the said cause shall be stayed until the Plaintiff shall give security to the satisfaction of the proper officer of the Court for the Costs of such action, in case a verdict shall pass for the Defendant,

or

or the Plaintiff shall become nonsuit or discontinue such action, or if upon demurrer or otherwise judgment shall be given against the Plaintiff, and the Defendant shall, in either of such cases, recover his full Costs as between Attorney and Client : Provided also, That no such action shall be brought except by a Burgess of such Borough, nor unless the Burgess bringing the same shall, within Fourteen Days after
 51 the commission of the offence, have served a notice in writing personally upon the party committing such offence, of his intention to bring such action ; and in case the Plaintiff in any such action shall obtain a verdict, the money so to be recovered shall, after payment of the costs and expenses attending the recovery thereof, be paid and apportioned as follows; (that is to say) one Moiety thereof to the Person so suing, and the other Moiety thereof to the Treasurer to be appointed by virtue of this Act, to be by him applied in aid of the Borough Fund: Provided always, That all acts and proceedings
 of any Person in possession of the office of Mayor, Alderman, Councillor, Auditor or Assessor, and acting as a Mayor, Alderman, Councillor, Auditor or Assessor, shall, notwithstanding such disqualification or want of qualification, be as valid and effectual as if such Person had been duly qualified : Provided also, That whenever any day by this Act appointed as a day of election, or for doing any act in any year, shall happen on a Sunday, in every such case the election shall be held as the act done on the Monday following.

Proviso.

And be it Enacted, That if any Person who shall have or claim to have any right to vote in any election of Mayor, or of an Alderman, Councillor, Auditor or Assessor of any Borough, shall, after the passing of
 52 this Act, ask or take any money or other reward by way of gift, loan or other device, or agree or contract for any money, gift, office, employment or other reward whatsoever, to give or forbear to give his vote in any such election ; or if any Person, by himself or any person employed by him, shall, by any gift or reward, or by any promise, agreement or security for any gift or reward, corrupt or procure, or offer to corrupt or procure, any Person to give or forbear to give his vote in any such election, such Person so offending in any of the cases aforesaid shall for every such offence forfeit the sum of Fifty Pounds, to be recovered, together with full costs of suit, by any one who shall sue for the same, by action of debt, bill, plaint or information, in any of His Majesty's Courts of Record at Dublin ; and any Person offending in any of the cases aforesaid being lawfully convicted thereof, shall for ever be disabled to vote in any election in such Borough, or in any Municipal or Parliamentary election whatever in any part of the United Kingdom, and also shall for ever be disabled to hold, exercise or enjoy any office or franchise to which he then shall or at any
 53 time afterwards may be entitled as a Burgess of such or any other Borough, as if such Person was naturally dead,

46.

Persons convicted of Bribery disqualified from voting at any Election for Members of the Council.

47.
Persons of-
fending in any
of the cases
aforesaid, dis-
covering
others so of-
fending within
Twelve
Months dis-
charged from
all Penalties.

And be it Enacted, That if any Person offending in any of the cases aforesaid shall, within the space of Twelve calendar Months next after such election as aforesaid, discover any other Person or Persons offending in any of the cases aforesaid, so that such Person or Persons so discovered be therein convicted, such Person so discovering, and not having been before that time convicted of any such offence, shall be indemnified and discharged from all penalties and disabilities which he shall then have incurred by any such offence.

48.
No Person to
be made liable
to Incapacity
or Penalty
unless Prose-
cution com-
menced within
Two Years.

Provided always, and it is hereby Enacted, That no Person shall be made liable to any incapacity, disability, forfeiture or penalty by this Act imposed, in any of the cases aforesaid, unless prosecution be commenced within Two Years after such incapacity, disability, forfeiture or penalty shall be incurred; any thing herein contained to the contrary notwithstanding.

49.
The Mayor to
be a Justice of
the Peace for
the Borough
and for the
County; and
Returning
Officer at
Elections of
Members to
serve in Par-
liament.

And be it Enacted, That the Mayor for the time being of every Borough shall be a Justice of the Peace of and for such Borough, and such Mayor shall, during his Mayoralty, have precedence in all places within the Borough, and in Boroughs which return a Member or Members to serve in Parliament, other than Cities and Towns which are Counties of themselves, shall be the Returning Officer at all elections for such Members; and such Mayor or other Returning Officer of any Borough shall, if he shall think fit, or if any Candidate shall require the same, be assisted in such of the said Boroughs as shall have a Recorder by the Recorder of such Borough as his Assessor at such election; and in case the Mayor shall, at the time when it shall be necessary to execute the powers and duties herein provided with respect to any elections, be dead or absent, or otherwise incapable of acting, the Council of such Borough shall forthwith elect one of the Aldermen to be the Returning Officer for such Borough in the place of the Mayor being so dead, absent, or otherwise incapable.

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50.
Power to
Council to
appoint Town
Clerk, Treas-
urer and
other Officers;
and to take
Security for
due discharge
of their official
Duties.

And be it Enacted, That the Council of every Borough in every year shall appoint, to be removable at their pleasure, a fit Person, not being a Member of the Council, to be the Town Clerk of such Borough, and one other fit Person, not being a Member of the Council, to be the Treasurer of the Borough, and also such other officers as have been usually appointed in such Borough, or as they shall think necessary for enabling them to carry into execution the various powers and duties vested in them by virtue of this Act, and may from time to time discontinue the appointment of such officers as shall appear to them not necessary, and shall take such security for the due execution of his office by any such Town Clerk, Treasurer, or other Officer, as the said Council shall think proper; and shall order to be paid to the Mayor, and to the Town Clerk and Treasurer, and to every such other Officer to be employed

55

played as aforesaid, such Salary or Allowance as the said Council shall think reasonable; and in case of any vacancy in any such office as aforesaid, by death, resignation, removal or otherwise, the Council of such Borough may appoint another fit Person in the place of the Person so making such vacancy; provided that the Town Clerk and Treasurer shall not be the same Person.

56 And be it Enacted, That the Treasurer of any Borough shall pay no money on account of the Mayor, Aldermen and Burgesses of such Borough, save only in such case as is provided by this Act, or upon the Order in writing of the Council, signed by Three or more Members of the Council, and countersigned by the Town Clerk of such Borough, or for the payment of the salaries granted to any Recorder or Police Magistrate as hereinafter provided, or by Order of the Court of Sessions of the Peace for the Borough, or of a Justice of the Peace acting in and for the Borough in the discharge of his judicial duty, in such case as is provided by this Act, or in such case as a Court of Sessions of the Peace for any County, or a Justice of the Peace acting in and for a County in the discharge of his judicial duty, may make an order for the payment of money on the Treasurer of such County.

51.
Treasurer to
pay no Money
but by order
of Council.

57 And be it Enacted, That every Treasurer, Town Clerk, or other officer appointed by the Council as aforesaid, shall, at such times during the continuance of his office, or within Three calendar Months after the expiration of his office, and in such manner as the said Council shall direct, deliver to the Council, or to such Person as they shall authorize for that purpose, a true account in writing of all matters committed to his charge by virtue of this Act, or under colour of his office, and also of all monies which shall have been by him received by virtue or for the purposes of this Act, or under colour of his office, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper Vouchers for such payments, and also a List of the Names of all such Persons as shall not have paid the monies due from them for the purposes of this Act, and of the amount due from each of them; and every such Officer shall pay all such monies as shall remain due from him to the Treasurer for the time being, or to such Person as the said Council shall authorize to receive the same; and if any such Officer shall refuse or wilfully neglect to deliver such Account, or the Vouchers relating to such Account, or such List as aforesaid, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said
58 Council, or to such Person as they shall authorize, within Three Days after being thereunto required by notice in writing under the hands of any Three or more of the said Council, to be given to or left at the last place of abode of such officer, all books, papers and writings in his custody or power relating to the execution of this Act,

52.
Officers to ac-
count, &c.
according to
the orders of
the Council.

Summary
Remedy
against
Officers for
not account-
ing, &c.

or to give satisfaction to the said Council, or to such other Person as aforesaid respecting the same, then and in every such case, upon complaint made on behalf of the said Council, by such Person as they shall authorize for that purpose, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the County or other jurisdiction wherein such Officer so refusing or neglecting shall be or reside, such Justice is hereby authorized and required to issue a Warrant under his hand and seal for bringing such Officer before any Two Justices of the Peace for such county or jurisdiction; and upon the said Officer appearing or not being found, it shall be lawful for such 59 Justices to hear and determine the matter in a summary way; and if it shall appear to such Justices that any monies remain due from such Officer, such Justices may and they are hereby authorized and required, upon non-payment thereof, by Warrant under their hands and seals, to cause such monies to be levied by distress and sale of the goods of such Officer; and if sufficient goods shall not be found to satisfy the said monies, and the charges of the distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver such Account or the Vouchers relating thereto, or such List as aforesaid, or that any books, papers or writings relating to the execution of this Act remain in the hands or in the custody or power of such Officer, and that he has refused or wilfully neglected to deliver the same, or to give satisfaction respecting the same as aforesaid, then and in every such case such Justices shall and they are hereby required to commit such offender to the Common Gaol or House of Correction for the County or Jurisdiction where such offender shall be or reside, there to remain without bail until he shall have paid such monies as aforesaid, or shall have compounded with the Council for such monies, and shall have paid such composition in such manner as they shall 60 appoint (which composition the said Council are hereby empowered to make and receive), or until he shall have delivered a true account as aforesaid, together with such Vouchers and List as aforesaid, or until he shall have delivered up such books, papers and writings, or have given satisfaction in respect thereof to the said Council, or to such other Person as aforesaid, as the case may be: Provided always, That no Person so committed shall be detained in prison, for want of sufficient distress only, for a longer space of time than Three calendar Months: Provided also, That nothing in this Act contained shall prevent or abridge any remedy by action against any such Officer so offending as aforesaid, or against any surety for any such Officer, but such Officer shall not be sued by action, and also proceeded against in a summary manner by virtue of this Act for the same cause.

Proviso.

Remedy by
Action.

53.
Councils of
Cities and
Towns which
are Counties
to name a
Sheriff.

And be it Enacted, That in the Counties of the Cities of Cork, Dublin, Kilkenny, Limerick and Waterford, and in the Counties of the Towns of Carrickfergus, Drogheda and Galway, the Lord Lieutenant shall

657.

shall, before the Twenty-ninth day of September in every year, appoint a fit Person to execute the office of Sheriff, with the like duties and powers as the Sheriffs, or the Persons filling the office of Sheriff in
 61 the said Cities and Counties respectively would have had if this Act had not passed, who shall continue in his office for One whole Year, from the Twenty-ninth day of September, unless removed by the Lord Lieutenant; and in case a vacancy shall be occasioned in the office of Sheriff of such Borough during such period, by the death of the Person who shall have been appointed to such office, or his removal, the Lord Lieutenant shall appoint another fit Person to be the Sheriff instead of the Person so dying or removed, who shall hold such office for the period during which the Person so dying would have held it, unless removed as aforesaid, and so from time to time as occasion may require; and every Person who, at the time of the passing of this Act, shall hold the office or execute the duties of Sheriff in the said Counties of Cities and Towns respectively, shall continue to hold and execute the same until the first appointment of a Sheriff therein under the provisions of this Act, and no longer.

And be it Enacted, That the County heretofore named the City and County of Londonderry shall henceforth be named the County of Londonderry; and that a Sheriff of the said County of Londonderry shall
 62 be nominated and appointed by His Majesty, His heirs and successors, in the same manner, to all intents and purposes, as the Sheriff of any other County at large in Ireland is now nominated and appointed: Provided always, That until the Sheriff first to be nominated and appointed for the said County of Londonderry, under the provisions of this Act, shall enter upon his office the Persons who at present fill the office of Sheriffs of the said City and County of Londonderry, or the survivor of them, shall be and remain the Sheriffs or Sheriff of the County of Londonderry, and shall fulfil and execute the duties of the said office.

54.
 City and
 County of
 Londonderry
 to be a County,
 the Sheriff
 of which to be
 nominated by
 the Crown.

And be it Enacted, That the Council of every Borough in which a separate Court of Quarter Sessions of the Peace shall be holden, as is hereinafter provided, shall, within Ten Days next after the grant of the said Court shall have been signified to the Council of such Borough, appoint a fit Person, not being an Alderman or Councillor, to be Coroner of such Borough so long as he shall well behave himself in his office
 63 of Coroner, and shall fill up every vacancy in the office of Coroner of the Borough occurring by death, resignation or removal within Ten Days next after such vacancy, and none thereafter shall take any Inquisition which belongs to the office of Coroner within such Borough save only the Coroner so from time to time to be appointed; and in such of the said Boroughs as are not Counties of Cities, or Counties

55.
 In certain
 Boroughs,
 Council to ap-
 point a Coro-
 ner.

of Towns, every such Coroner for every Inquisition which he shall duly take within such Borough, shall be entitled to have the sum of Twenty Shillings, and also the sum of Nine-pence for every Mile exceeding Two Miles, which he shall be compelled to travel from his usual place of abode to take such Inquisition, to be paid by the Treasurer out of the Borough Fund of such Borough, by order of the Court of Quarter Sessions for such Borough: Provided always, That no Person shall be elected as Coroner as aforesaid, who shall not be seised or possessed of such an estate in some part of Ireland as would qualify him to serve as a Coroner for a County according to the Acts now in force in Ireland in relation to the office of Coroner; and every such Person shall, before he acts as such Coroner, take and subscribe all oaths now required to be taken by a Coroner in Ireland 64

56.

Coroners to
make Returns
to Lord Lieu-
tenant.

And be it further Enacted, That on or before the Tenth day of January in every year after the passing of this Act, every Coroner appointed in any Borough shall make and transmit to the Lord Lieutenant of Ireland a return in writing, according to such form as the said Lord Lieutenant from time to time shall direct, of all the cases in which he may have been called upon to hold an Inquest touching the cause of death of any Person during the year ending on the Thirty-first day of December immediately preceding, and a copy of the finding of the Jury on every such Inquest.

57.

Officers to
continue until
removed.

And be it Enacted, That in every Borough in and for which no separate Court of Sessions of the Peace shall be holden, no Person after the Twenty-fifth day of October in this present year shall take any Inquisition which belongs to the office of Coroner within such Borough, save only the Coroner for the County at large in which such Borough is situated; and in every Borough in which a Coroner shall not be elected and acting under this Act, the Coroner for the County in which such Borough is situated, and in case of a County of a City or Town, the Coroner of the adjoining Counties, or any of them, shall take any inquisition which could be taken by a Coroner elected under this Act, and have all the powers and authorities of such Coroner: Provided always, That such Coroners of Counties at large, and the Coroners of each County of a City and County of a Town, shall be entitled to be paid for the Inquisitions which they shall duly take as aforesaid, in manner now provided for by law, and not otherwise: Provided always, That every Coroner, to be appointed under this Act, shall be liable to be removed by the Court of Chancery in Ireland, in the same manner as any Coroner in Ireland may now be removed by that Court. 65

58.

County Coro-
ners to act in
other
Boroughs.

And be it Enacted, That the Council elected under this Act in any Borough shall have power to remove from his office every Town Clerk,
Bailiff,

And be it further Enacted, That the powers and duties (except such as are hereinafter continued) of the Mayors, Aldermen and Common Councilmen, and all other members of every Body Corporate named in the said Schedule (A.), by whatever name or style they may be called, shall cease on the said First day of January One thousand eight hundred and Thirty-seven.

VI.
The powers
of Mayors
and Common
Councilmen
to cease on the
1st Jan. 1837.

And be it further Enacted, That the powers and duties of all persons who by virtue of any Charter shall, on the said First day of January One thousand eight hundred and Thirty-seven, be Justices of the Peace in such of the towns, named in the said Schedule (A.) to this Act annexed, as are counties of cities or counties of towns, and in the city and liberties of Londonderry, notwithstanding they may have ceased to hold the office by virtue of which they shall be such Justices, shall continue until separate Commissions of the Peace shall have been granted to such counties of cities or counties of towns respectively and no longer, and the powers and duties of all persons who by virtue of any charter shall be Justices of the Peace in such of the said towns as are not counties of cities or counties of towns,

VII.
Justices of
the Peace in
Counties of
Towns to
continue in
office until
separate Com-
missions shall
have been
granted to
those Towns.
In other
Towns to
cease on the
1st Jan. 1837.

Bailiff, Treasurer or Chamberlain, and every other ministerial or executive officer of such Borough and Body Corporate, except the Sheriff, who shall be in office at the time of the first election of Councillors under this Act; and every such Town Clerk, Bailiff, Treasurer or Chamberlain, and every other ministerial or executive Officer in such Borough, shall continue to act in the same capacity as heretofore, and to execute all the duties heretofore belonging to his office, and be entitled to have the same salaries, fees and emoluments as he would have had if this Act had not passed, until he shall be removed from his office, and no longer, unless he shall be re-appointed according to the provisions of this Act; and every Officer who shall be in possession or receipt of any monies, goods, valuable securities, books or papers, belonging to or concerning the Body Corporate, whose officer he is, shall deliver up and account for the same to the Council of such Body Corporate appointed under this Act; and in case they or any of them shall refuse or wilfully neglect to deliver such Accounts, Vouchers and Lists, or to make such payments, or to deliver such Books, Papers and Writings, or to give satisfaction respecting the same, as is hereinbefore provided in the case of Officers appointed by such Council, they and every of them may be proceeded against, and shall be subject and liable to the several provisions hereinbefore contained in cases of Officers appointed by such Council: Provided always, That all the Charters, Deeds, Muniments and Records of every Borough, or relating to the property thereof, shall be kept in such place as the Council from time to time shall direct, and the Town Clerk for the time being shall have the charge and custody of and be responsible for the same.

towns, shall cease on the First day of January One thousand eight hundred and Thirty-seven.

VIII.

The powers of salaried Magistrates under Acts of Parliament continued until determined by the Lord Lieutenant.

And be it further Enacted, That the powers and duties of all persons who, on the said First day of January One thousand eight hundred and Thirty-seven, shall be Justices of the Peace with salaries, or fees, by virtue of any Act or Acts of Parliament now in force in any town named in the said Schedule (A.) to this Act annexed, whether such persons shall be such Justices in their respective corporate capacities, or shall have been elected or appointed by any such Body Corporate, or any member or members thereof in his or their corporate capacity, and where such persons shall have been such Justices in their respective corporate capacities, notwithstanding that they shall have ceased to hold the offices by virtue of which they shall be such Justices, shall continue, and the same police offices and officers and servants and establishments for the performance of such powers and duties, and all laws and provisions relating thereto shall be continued and remain in force in the same manner as if this Act had not been passed, until such time as the Lord Lieutenant shall by notice to be published in the Dublin Gazette, declare that the same shall determine, and at the time to be mentioned in any such notice the powers and duties of the person or persons therein named as Justice or Justices in such town shall cease.

IX.

Sheriffs of Towns which are Counties to go out of office when other Sheriffs are appointed.

And be it further Enacted, That the Sheriffs of counties of cities and counties of towns in Ireland, who are now appointed by Bodies Corporate named in the said Schedule (A.) to this Act annexed, shall go out of office when the Sheriffs to be appointed as hereinafter is mentioned shall come into office.

X.

Duties of Sheriffs performed by other Officers to cease on the 1st day of January 1837.

And be it further Enacted, That such of the powers and duties of any Mayor, Bailiff, Provost or Portreeve of any town named in the said Schedule (A.) to this Act annexed, as are exercised and performed in other places by Sheriffs, shall cease on the said First day of January One thousand eight hundred and Thirty-seven.

XI.

Coroners of Towns not being Counties to be discontinued on the 1st day of January 1837.

And be it further Enacted, That the powers and duties of Coroners of such towns named in the said Schedule (A.) to this Act annexed as are not counties of cities or counties of towns, shall cease on the said First day of January One thousand eight hundred and Thirty-seven.

XII.

Clerks of Markets, or Weighmasters appointed by Corporations to continue in their offices as if the Act had not passed.

And be it further Enacted, That every Person who, on the said First day of January One thousand eight hundred and Thirty-seven, shall have been elected or appointed by any Body Corporate named in the said Schedule to this Act annexed, or by any member or members thereof, in his or their corporate capacity, to be a Clerk of a Market, or a Weighmaster

master of all Goods, Wares and Merchandizes, or a Weighmaster of Butter or Taster of Butter, or Assay Master, and shall not be entitled to such office as a member of such Body Corporate in his corporate capacity, shall continue to hold such offices, and to execute all the duties heretofore belonging thereto, as if this Act had not passed: Provided always, That if such office shall be filled up upon any resignation or removal made after the First day of May One thousand eight hundred and Thirty-six, in such case the person appointed to such office may be removed at the pleasure of the Lord Lieutenant after the First day of January One thousand eight hundred and Thirty-seven; and any person so removed shall not be entitled to compensation under the provisions of this Act.

And be it Enacted, That every person who shall be a Town Clerk, Bailiff, Treasurer or Chamberlain, or other ministerial or executive officer of any Body Corporate named in the Schedule (A.) to this Act annexed, and who shall be in such office on the said First day of January One thousand eight hundred and Thirty-seven, shall continue to execute all the duties heretofore belonging to his office, so far as the same are not inconsistent with the provisions of this Act, in the same manner as he would have done, if this Act had not passed, until he shall be removed from his office by the Commissioners to be appointed by virtue of this Act.

XIII.
Officers to
continue until
removed.

And be it Enacted, That every ⁽¹⁾ Member of any ⁽²⁾ Body Corporate named in the said Schedule (A.), and every Officer and Person holding any office of profit at the time of the passing of this Act, whose office shall be abolished, or who, under the provisions of this Act, shall be removed from his office ⁽³⁾ or ⁽⁴⁾ deprived of fees or emoluments to which he would have been entitled if this Act had not been passed, shall be entitled to have an adequate compensation, either by way of a sum in gross, or of annuity, out of the property of such Body Corporate respectively, to be assessed ⁽⁵⁾ and paid ⁽⁶⁾, as hereinafter is mentioned, for the salary, fees and emoluments of the office which he shall so cease to hold, or of the fees or emoluments of which he shall be so deprived, regard being had to the manner of his appointment to the said office, and his term or interest therein, whether such Person shall have held his office for life, or the usage shall have been such as to raise a just expectation that the office should continue for life, and all other circumstances of the case; and every

XIV.
Officers to
receive Com-
pensation on
removal.

(¹) Officer (²) Borough or County who shall be in

(³) under the provisions of this Act

(⁴) who shall not be re-appointed as aforesaid,

(⁵) by the Council, (⁶) out of the Borough Fund,

every Person entitled to such compensation as aforesaid shall deliver to the ⁽¹⁾ Treasurer of the ⁽²⁾ *Commissioners to be appointed in pursuance of this Act*, a statement under the hand of such Person, setting forth the amount received by him or his predecessors in every year during the period of Five Years next before the passing of this Act, on account of the salary, fees, emoluments, profits and perquisites in respect whereof he shall claim such compensation, distinguishing the office, place, 68 situation, employment or appointment in respect whereof the same shall have been received, and containing a declaration that the same is a true statement according to the best of the knowledge, information and belief of such Person, and also setting forth the sum claimed by him as such compensation. ⁽³⁾

And

⁽¹⁾ Town Clerk, or in case such Person shall himself be Town Clerk, then to the ⁽²⁾ Borough

⁽³⁾ and the Town Clerk or Treasurer, as the case shall be, shall lay such statement before the Council, who shall take the same into consideration and determine thereon; and immediately upon such determination being made, the Person preferring such claim, if he shall not himself be the Town Clerk, shall be informed thereof by notice in writing under the hand of the Town Clerk; and in case such claim shall be admitted in part and disallowed in part, such notice shall specify the particulars in which the same shall have been admitted and disallowed respectively; and in case the Person preferring such claim shall think himself aggrieved by the determination of the Council thereon, or in case One-third of the Members of the Council shall subscribe a protest against the amount of compensation allowed by the determination of the Council as excessive, it shall be lawful for the Person preferring such claim, or any Member of the Council who shall 69 subscribe such protest, to appeal to the Lords Commissioners of His Majesty's Treasury, who shall thereupon make such order as to them shall seem just; and such order, signed by Three or more of such Lords Commissioners, shall be binding on all parties: Provided always, That if the Council shall not determine on such claim within Six calendar Months after the aforesaid statement shall be delivered to the Town Clerk or Treasurer, as the case shall be, such claim shall be considered as admitted: Provided also, That it shall not be lawful for any Member of the Council to subscribe such protest as aforesaid, except within such period of Six calendar Months: Provided also, That the Person preferring such claim, if any Member of the Council shall so require, upon receiving notice in writing, signed by the Town Clerk, unless such Person shall himself be Town Clerk, in which case no such notice shall be requisite, shall from time to time attend at any meeting or adjourned meeting of the Council for the investigation of such

(1) Pensions and Allowances.

(1) Reservation of certain

And be it Enacted, That all Pensions, (1) Allowances and annual sums granted on or before the Fifth day of June One thousand eight hundred and Thirty-five, or sums granted in conformity with established usage by (2) any Corporate Body named in the said Schedule (3) (A.) (4) to any (5) Officer or servant, retired therefrom, or by sickness or infirmity rendered incapable of performing the duties of his office, or to the widow or child of any member, Officer or servant, and all stipends and allowances which, during Seven Years next before the said Fifth day of June have been usually paid and granted to the Minister or late

72 Minister of any church or chapel, or to the Master or Usher of any school, or to the Governor or Master of any hospital within (6) the town in which such Body Corporate is constituted, and all charitable allowances which have been usually paid as aforesaid to the Inmates of any

such claim, and then and there upon his oath, or solemn affirmation, or

70 his declaration, to be taken or made before the Mayor (who is hereby authorized to administer the same), shall answer all such questions as shall be asked by any Member of the Council, touching the matters set forth in the statement subscribed by such Person as aforesaid, and produce all books, papers and writings in his possession, custody or power relating thereto: Provided also, That every such Officer who shall be continued in or re-appointed to such office under the provisions of this Act, and who shall be subsequently removed from such office for any cause other than such misconduct as would warrant removal from any office held during good behaviour, shall be entitled to compensation in like manner as if he had been forthwith removed under the provisions of this Act, and had not been continued in or re-appointed to such office.

60.

Compensation to be secured by Bond under Common Seal.

And be it Enacted, That the value of the sum payable to any Person as such compensation as aforesaid, if not forthwith paid, shall be secured to such Person by bond or obligation under the common seal of the

71 Borough, out of whose Funds the same shall be payable, in a sufficient penalty conditioned for the payment to such Person, his executors or administrators or assigns, of the value of such sum, with interest and all arrears thereof (if any) accrued due before the date of such bond; and such bond or obligation shall be prepared and executed at the expense of the Borough Fund, and delivered to the Person entitled to such compensation as soon as conveniently may be after the amount thereof shall have been admitted as aforesaid by the Council of the Borough; or shall have been determined in the event of such appeal as aforesaid by order of the said Lords Commissioners.

(1) and (2) the (3) s (4) in conjunction with any Borough
(5) retired (6) such Borough

any almshouses by such Corporate Body, shall be⁽¹⁾ *paid as hereinafter mentioned* to every Person entitled or accustomed to have and receive the same, ⁽²⁾ *unless the property of such Body Corporate shall not be sufficient for the payment thereof.*

⁽³⁾

And

⁽¹⁾ secured, as soon as conveniently may be after the passing of this Act

⁽²⁾ by bond or obligation under the common seal of the Borough, out of whose Funds the same shall be payable, in a sufficient penalty conditioned for the payment to such Person, his executors and administrators, of such pension, stipend or allowance, with all arrears thereof, if any, accrued due before the date of such bond; and such bond or obligation shall be prepared and executed at the expense of the Borough Fund.

62.
Questions to
be decided by
a majority of
Councillors
present; one-
third part of
whole num-
ber to be a
Quorum.

⁽³⁾ And be it Enacted, That all acts whatsoever authorized or required by virtue of this Act to be done by the Council of any Borough, and all questions of adjournment, or others that may come before such Council, may be done and decided by the majority of the Members of the Council who shall be present at any Meeting held in pursuance of this Act, the whole number present at such Meeting not being less than One-third part of the number of the whole Council, and at all such Meetings the Mayor, if present, shall preside, and the Mayor, or 73
in case of the absence of the Mayor, such Alderman or Councillor as the Members of the Council then assembled shall choose to be the Chairman of that Meeting, shall have a second or casting vote in all cases of equality of votes, except in the election of Mayor as afore-
said; and Minutes of the Proceedings of all such Meetings shall be drawn up and fairly entered into a Book to be kept for that purpose, and shall be signed by the Mayor, Alderman or Coun-
cillor presiding at such Meeting; and the said Minutes shall be open to the inspection of any Burgess at all reasonable times on payment of a Fee of One Shilling: Provided always, That previous to any Meeting of the Council held by virtue of this Act, a Notice of the time and place of such intended Meeting shall be given Three clear Days at least before such Meeting, by fixing the said Notice on or near the door of the Town Hall of the Borough; and such Notice shall be signed by the Mayor, who shall have power to call a Meeting of the Council as often as he shall think proper; and in case the Mayor shall refuse to call any such Meeting after a requisition for that purpose, signed by Five Members of the Council at the least, shall have been 74
presented to him, it shall be lawful for the said Five Members to call a Meeting of the Council, by giving such Notice as is hereinbefore required in that behalf, such Notice to be signed by the said Members instead of the Mayor, and stating therein the business proposed to be transacted at such Meeting; and in every case a summons to attend the
Council

Council, specifying the business proposed to be transacted at such Meeting, signed by the Town Clerk, shall be left at the usual place of abode of every Member of the Council, or at the premises in respect of which he is enrolled a Burgess, Three clear Days at the least before such Meeting; and no business shall be transacted at such Meeting other than is specified in the Notice: Provided always, That there shall be in every Borough Four quarterly Meetings in every year, at which the Council shall meet for the transaction of general business, and no notice shall need to be given of the business to be transacted on such quarterly days; and the said quarterly Meetings shall be holden
 75 at noon on the First day of November, or if the First day of November shall fall on a Sunday, on the day following, and at such hour on such other Three Days before the Twenty-fifth day of October then next following, as the Council at the quarterly Meeting in November shall decide, and the first business transacted at the quarterly Meeting in November shall be the election of Mayor.

And be it Enacted, That it shall be lawful for the Council of any Borough to appoint out of their own body from time to time, such and so many Committees, either of a general or special nature, and consisting of such number of Persons as they may think fit, for any purposes which, in the discretion of such Council, would be better regulated and managed by means of such Committees: Provided always, That the acts of every such Committee shall be submitted to the Council for their approval.

63.
Power of Sale
and Leasing
restrained.

AND whereas it is expedient that the administration of any real or personal estate of which any Body Corporate now stand seised or possessed, in trust as to the whole or in part for certain charitable trusts, be kept distinct from that of the Public Stock and Borough Fund; BE it Enacted, That in every Borough in which the Body Corporate or any one or more of the members of such Body Corporate, in his or their corporate capacity, now stands or stand solely
 76 or together with any Person or Persons, elected solely by such Body Corporate, or solely by any particular member, class or description of members of such Body Corporate seised or possessed for any estate or interest whatsoever, of any hereditaments or any sums of money, chattels, securities for money, or any other personal estate whatsoever, in whole or in part, in trust or for the benefit of any charitable uses or trusts whatsoever, all the estate, right, interest and title, and all the powers of such Body Corporate, or of such member or members of such Body Corporate in respect of the said uses and trusts, shall continue in the Persons who at the time of the passing of this Act are such Trustees as aforesaid, notwithstanding that they may have ceased to hold any office by virtue of which, before the passing of this Act they were such Trustees, until the first day of May in the year One

64.
Charitable
Trustees.

thousand eight hundred and Thirty-seven, or until Parliament shall otherwise order, and shall immediately thereupon utterly cease and determine: Provided always, That if any vacancy shall be occasioned among the Charitable Trustees for any Borough before the said First day of May in the year One thousand eight hundred and Thirty-seven it shall be lawful for the Lord Chancellor of Ireland, or Lords Commissioners for the custody of the Great Seal then for the time being, upon petition in a summary way, to appoint another Trustee to supply such vacancy, and every Person so appointed a Trustee as last aforesaid, shall be a Trustee until the time at which the Person in the room of whom he was chosen would regularly have ceased to be a Trustee, and he shall then cease to be a Trustee: Provided also, That if Parliament shall not otherwise direct on or before the said First day of May in the year One thousand eight hundred and Thirty-seven, the Lord Chancellor of Ireland, or Lords Commissioners of the Great Seal, then shall make such orders as he or they shall see fit for the appointment of a Trustee or Trustees, and the administration of such trust estate, subject to such charitable uses or trusts as aforesaid. 77

65.

Council to become Visitors and Trustees of all Acts of which Corporators were ex officio sole Trustees, &c.

And be it Enacted, That the Body Corporate of every Borough shall be Trustees for executing, by the Council of such Borough, the powers and provisions of all Acts of Parliament made before the passing of this Act (other than Acts made for securing charitable uses and trusts), and of all trusts (other than charitable uses and trusts) of which the Body Corporate, or any of the members thereof, in their corporate capacity, was or were sole Trustees before the time of the first election of Councillors in such Borough under this Act. 78

66.

Council to appoint a limited number of Councillors to be Joint Trustees for certain purposes.

And be it Enacted, That in every Borough in which the Body Corporate, or a particular or limited number, class or description of members of the Body Corporate or of Persons appointed by the Body Corporate, was or were before the passing of this Act Trustees jointly with other Trustees for the execution of any Act of Parliament, or of any Trust, in which the Body Corporate, or any particular or limited number, class or description of members or nominees of the Body Corporate, by any statute, charter, bye-law or custom, was or were before the passing of this Act lawfully appointed to, or exercised any powers, duties or functions whatsoever not otherwise herein provided for, and the continuance of which is not inconsistent with the provisions of this Act, the Council of such Borough, on the day named in such Act as last aforesaid, or in the deed or will by which such trust is created for a new election, nomination or appointment of Trustees, or on which such new election, nomination or appointment has usually been made, (and if there shall be no such day named or usually observed, then on the First day of January in every year,) shall appoint the 79

667

the like number of Members of the Council, or as near as may be to the like number of Members of the Council, as there were theretofore members or nominees of such Corporate Body who in right of their office were such Trustees or charged with the execution of such powers, duties and functions, in room of the members or nominees of such Corporate Body ceasing to be Trustees, or ceasing to exercise such powers duties and functions by virtue of this Act, and in every case of extraordinary vacancy among the Trustees or Persons so appointed by the Council, shall forthwith appoint one other Member of the Council in the room of the Person by whom such vacancy has been made, and to hold his trust or office for such time as the Person by whom such vacancy has been made would regularly have held it.

67.

Present Trustees of certain Acts continued for a definite time.

And be it Enacted, That notwithstanding any thing in this Act contained every Member of any Body Corporate who in his corporate capacity, and every nominee of any Body Corporate, or any particular number, class or description of Members of such Body Corporate, who at the time of the passing of this Act shall be for a definite number of
 80 years, or other shorter time, a Trustee of such Acts or Trusts as last aforesaid, shall continue to be such Trustee until the time when he would have ceased to be such Trustee if this Act had not been passed; and if a Trustee for an indefinite time, or for life, or for so long as he shall be a member, or of a particular class or description of such Body Corporate, then until the First day of January in the year One thousand eight hundred and Thirty-seven and no longer; and every member of the Council appointed under the provisions of this Act to be a Trustee of such Acts or Trusts as last aforesaid, shall continue to be such Trustee until the time herein provided for the new appointment of a Member of the Council to be Trustee in his room, notwithstanding that he may have ceased to be a Member of the Council; and in case any particular Member or Officer of any of the said Bodies Corporate shall have been appointed by any such Act, or by any such Trust, Deed or Will as last aforesaid, to perform during a definite number of years or other shorter time, any specific powers, duties or functions whatsoever, the Person who at the time of the passing of this Act shall be the Person designated and qualified to perform the same, shall continue to perform the same until the time when he would
 81 have ceased to perform the same if this Act had not passed; and if appointed for an indefinite time, or for life, or for so long as he shall be a Member, or of a particular class or description of such Body Corporate, then until the First day of January in the year One thousand eight hundred and Thirty-seven, and no longer.

68.

Powers vested in Trustees may be transferred to Councillors.

AND whereas it may be expedient that the powers now vested in the Trustees or Commissioners appointed under sundry Acts of Parliament for paving or lighting, or cleansing, or supplying with water, or improv-
 281. ing

ing certain Boroughs, or certain parts thereof, save and except as hereinafter mentioned, should be transferred to and vested in the Councils of such Boroughs respectively; BE it Enacted, That the Trustees or Commissioners appointed by virtue of any such Act of Parliament as last aforesaid, wherein the Trustees, or the Persons whose Trustees they may be, are not beneficially interested, may, if it shall seem to them expedient, at a meeting to be called for that purpose, transfer in writing all the powers vested in them as such Trustees, by any such Act or Acts of Parliament as aforesaid, to the said Body Corporate of such Borough; and the said Body Corporate of such Borough shall thenceforth be Trustees for executing, by the Council of such Borough, the several powers and provisions of any such Act or Acts of Parliament, and the Members of the Council shall have the same powers and be subject to the same duties as if their names had been originally inserted in such Act or Acts (or as if they had been elected under the provisions of any such Act or Acts) as such Trustees respectively: Provided always, That nothing herein contained shall extend to enable the Commissioners for paving, cleansing and lighting the streets of Dublin, or the Commissioners for making wide and convenient streets in the City of Dublin, or the Corporation for improving the port and harbour of Dublin, so to transfer the powers vested in them respectively.

82

69.

A Watch Committee to consist of the Mayor and Councilmen; such Committee to appoint Constables for the Borough.

And be it Enacted, That the Council to be elected for any Borough, the Borough of the City of Dublin only excepted, shall, immediately after their first election, and so from time to time thereafter as they shall deem expedient, appoint, for such time as they may think proper, a sufficient number of their own body, who, together with the Mayor of the Borough for the time being, shall be and be called the Watch Committee for such Borough; and all the powers hereinafter given to such Committee may be executed by the majority of those who shall be present at any meeting of such Committee, the whole number present at such meeting being not less than Three; and such Watch Committee shall, within Three Weeks after their first formation, and so from time to time thereafter, as occasion shall require, appoint a sufficient number of fit men, who shall be sworn in before some Justice of the Peace having jurisdiction within the Borough, to act as Constables for preserving the peace by day and by night, and preventing robberies and other felonies, and apprehending offenders against the peace; and the men so sworn shall, not only within such Borough, but also within the County in which such Borough or part thereof shall be situated, and also within every County being within Seven Miles of any part of such Borough, and also within all Liberties in any such County, have all such powers and privileges and be liable to all such duties and responsibilities as any Constable duly appointed now has

83

Constables to be for the County, &c. as well as Borough.

669

has, or hereafter may have, within his Constablewick, by virtue of the Common Law of this Realm, or of any Statutes made or to be made, and shall obey all such lawful commands as they may from time to time receive from any of the Justices of the Peace having jurisdiction within such Borough, or within any County in which they shall be called on to act as Constables, for conducting themselves in the execution of their office.

84 And be it Enacted, That the Watch Committee for any such Borough as aforesaid may from time to time frame such Regulations as they shall deem expedient for preventing neglect or abuse, and for rendering such Constables efficient in the discharge of their duties ; and the said Committee, or any Two Justices of the Peace having jurisdiction within the Borough, may at any time suspend or dismiss any Constable whom they shall think negligent in the discharge of his duty, or otherwise unfit for the same ; and when any man shall be so dismissed, or cease to belong to the said Constabulary Force, all powers vested in him as a Constable by virtue of this Act shall immediately cease ; and no man so dismissed as aforesaid shall be re-appointed without the consent of Two of the Justices of the Peace having jurisdiction within the Borough.

70.
Watch Com-
mittee to
make Regu-
lations for the
Management
of the Con-
stables.

And be it Enacted, That it shall be lawful for any Constable, during the time of his being on duty, to apprehend all idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect of an intention to commit a felony, and to deliver any Person so apprehended into the custody of the Constable appointed under this Act, who shall be in attendance at the nearest Watch-house, in order that such Person may be secured until he can be brought before a Justice of the Peace, to be dealt with according to law, or may give bail for his appearance before a Justice of the Peace, if the Constable shall think fit to take bail, in the manner hereinafter mentioned.

71.
Power to
Constables to
apprehend
disorderly
Persons, &c.

85 And be it Enacted, That where any Person charged with any petty misdemeanor shall be brought, without the Warrant of a Justice of the Peace, into the custody of any Constable appointed under this Act, during his attendance in the night-time at any Watch-house within any such Borough as aforesaid, it shall be lawful for such Constable, if he shall think fit, to take bail by Recognizance, without any fee or reward, from such Person, conditioned that such Person shall appear for examination within Two Days before a Justice of the Peace within the Borough, at some time and place to be specified in the Recognizance ; and every Recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if the same had been taken before a Justice

72.
Constables
attending at
the Watch-
houses in the
night may
take Bail by
Recognizance
from Persons
brought before
them for petty
Misdemean-
ors ; such
Recognizance
to be condi-
tioned for the
appearance of
the Parties
before a
Magistrate.

In default of appearance, Recognizance to be forfeited.

Time of hearing may be postponed.

73.
Penalties on Constables for neglect of duty.

74.
Penalty for assaults on Constables.

Proviso.

75.
Regulation and Payment of Expenses.

of the Peace; and the Constable shall enter in a book to be kept for that purpose in every Watch-house, the names, residence and occupation of the party, and his surety or sureties, if any, entering into such Recognizance, together with the condition thereof, and the Sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the time and place when and where the party is required to appear; and if the party does not appear at the time and place required, the Justice shall declare such Recognizance forfeited, and shall issue his Warrant, directing the amount thereof to be paid to the Treasurer of said Borough, and in default of payment, directing the Person mentioned therein to levy off the goods and chattels of the Person named therein, the amount secured thereby, and the costs of the sale and of such warrant, and the same shall be levied and paid to the Treasurer of said Borough; and the Justice shall, if he shall think fit, be at liberty to enlarge the Recognizance to such further time as he shall appoint; and when the matter shall be heard and determined, either by the dismissal of the complaint, or by binding the party over to answer the matter thereof at the Sessions, or otherwise, the Recognizance for the appearance of the party before a Justice shall be discharged without fee or reward.

86

And be it Enacted, That if any Constable of any Borough shall be guilty of any neglect of duty, or of any disobedience of any lawful order, every such offender, being convicted thereof before any Two Justices of the Peace, shall for every such offence be liable to be imprisoned for any time not exceeding Ten Days, or to be fined in any sum not exceeding Forty Shillings, or to be dismissed from his office, as such Justices shall in their discretion think meet.

And be it Enacted, That if any Person shall assault or resist any Constable of any Borough appointed under this Act in the execution of his duty, or shall aid or incite any Person so to assault or resist, every such offender, being convicted thereof before any Two Justices of the Peace, shall for every such offence be liable to be imprisoned for any time not exceeding Two Months, or to be fined such sum not exceeding Five Pounds, as the said Justices shall think meet: Provided always, That nothing herein contained shall prevent any prosecution by way of indictment against any Person so offending, but so as that such Person shall not be prosecuted by indictment, and also proceeded against under this Act for the same offence.

87

And be it Enacted, That the Treasurer of every Borough shall pay to the Constables of such Borough appointed under this Act such salaries, wages and allowances, and at such periods, as the Watch Committee for such Borough shall, subject to the approbation of the Council,

671

Council, direct, and the Council shall order to be paid also any extraordinary expenses which such Persons shall appear to have necessarily incurred in apprehending offenders and executing the orders of any Justice of the Peace having jurisdiction within such Borough, such expenses having been first examined and approved of by such Justice ; and the said Treasurer shall also pay such further sums as the Watch Committee shall, subject to the approbation of the Council, award to any of the Persons belonging to the said Constabulary Force as a reward for extraordinary diligence or exertion, or as a compensation for wounds or severe injuries received in the performance of their duty, or as an allowance to such of them as shall be disabled by bodily injury received, or shall be worn out by length of service, and all other charges and expenses which the Watch Committee shall, subject to the approbation of the Council, direct to be paid for the purposes of the Constabulary Force under this Act.

Rewards for activity, &c.

And be it Enacted, That any Two or more of the Justices of the Peace having jurisdiction within any Borough are hereby authorized and required in the month of January in every year, to nominate and appoint, by precept in writing under their hands, so many as they shall think fit of the Inhabitants of such Borough (not legally exempt for serving the office of Constable) to act as Special Constables within such Borough, whensoever they shall be required by the warrant of any of the Justices of the Peace having jurisdiction within such Borough so to act, and not otherwise ; and every such warrant shall recite that in the opinion of the Justice granting the same, the ordinary Police Force of the Borough is insufficient at that time to maintain the peace of the Borough ; and every Person so appointed a Special Constable shall take the Oath set forth in the Act passed in the second and third years of the reign of His present Majesty, intituled, " An Act for amending the Laws in Ireland relative to the appointment of Special Constables, and for the better preservation of the Peace," and shall have the powers and immunities and be liable to the duties and penalties enacted by the said last-mentioned Act ; and every Person so appointed a Special Constable shall receive out of the Borough Fund for every day during which he shall be called out to act as such, the sum of Three Shillings and Sixpence, and no more.

76.

Magistrates to appoint annually a certain number of Persons to act as Special Constables in case of need.

2 & 3 W. 4.
c. 108.

Payment of Special Constables.

77.

On notice of appointment of Constables, the present Provisions in Local Acts as to watching, &c. to cease.

And be it Enacted, That as soon as Constables shall have been appointed by the Watch Committee for any Borough, a Notice, signed by the Mayor of such Borough, specifying the day on which such Constables shall begin to act, shall be fixed on the door of the Town Hall and every place of public worship within such Borough ; and on the day so specified in such notice so much of all Acts named in conjunction with such Borough in the Schedule (E.) to this Act annexed, and

Watch-boxes,
Arms, &c. to
be given up
for the use of
the Constables
appointed
under this
Act.

Penalty for
not giving
them up.

of all Acts made before the passing of this Act, as relates to the appointment, regulation, powers and duties, or to the assessment or collection of any rate to provide for the expenses of any Watchmen, for any place or places situated within such Borough, shall cease and determine; and all watch-houses and watch-boxes in any such place or places, and all arms, accoutrements and other necessities provided at the public expense for any Watchmen, therein, shall be given up to such Persons as shall be named by the said Mayor in such notice, for the use and accommodation of the Constables to be appointed under this Act, and all the property so to be given up shall be deemed to belong to the Body Corporate of such Borough; and in case any Person having the charge, control or possession of any watch-house, watch-box, arms, accoutrements or necessities as aforesaid, shall neglect or refuse to give up the same as hereinbefore required, every such offender, being convicted thereof before any Two Justices of the Peace, shall for every such offence forfeit and pay, over and above the value of the property not given up, such sum, not exceeding Five Pounds, as the said Justices shall think meet; and where there shall be any building in such place as aforesaid, a part only of which building shall have been heretofore used as a watch-house, such part shall be given up every day from the hour of Four in the afternoon until the hour of Nine in the forenoon, for the use and accommodation of the Constables to be appointed under this Act; and if any Person having the charge, control or possession of any such building shall neglect or refuse to give up such part thereof for the purposes aforesaid, or to permit free access thereto or egress therefrom during any portion of the time above prescribed, every such offender, being convicted thereof before any Two Justices of the Peace, shall for every such offence forfeit and pay such sum, not exceeding Five Pounds, as the said Justices shall think meet: Provided however, That nothing herein contained shall be construed to extend to or to affect the power of any Magistrate or Officer of Police appointed or acting under the provisions of an Act passed in the fifty-fourth year of the reign of his late Majesty King GEORGE the Third, intituled, "An Act to provide for the better execution of the Laws in Ireland, by appointing superintending Magistrates and additional Constables in Counties, in certain cases," or under an Act passed in the third year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for the appointment of Constables, and to secure the effectual performance of the Duties of their Office, and for the Appointment of Magistrates in certain cases," or under any Act for the amendment of said recited Acts or any of them.

54 G. 3. c. 131.

3 G. 4. c. 103.

78.
Proviso as to
Rates in Ar-
rear and as to
Debts.

Provided always, and be it Enacted, That any Rate or Presentment for defraying the expenses of any Watchmen, in any such place or places as aforesaid, made previously to the day specified in such notice

as

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as aforesaid, shall be levied and collected in the same manner as if this Act had not been passed: Provided also, That nothing herein contained shall prevent the making, levying and collecting of any Rate or Presentment in any such place or places as aforesaid, for the purpose of paying any debt contracted before the passing of this Act, or the interest of any such debt, but that such Rate or Cess shall and may be levied and collected in the same manner as if this Act had not been passed.

And be it Enacted, That the Watch Committee of every such Borough shall on the Tenth day of January, the Tenth day of April, the Tenth day of July, and the Tenth day of October in every year, transmit to the Lord Lieutenant of Ireland a Report of the number of men appointed to act as Watchmen in such Borough, and of the description of arms, accoutrements and clothing, and other necessities furnished to each man, and of the salaries, wages and allowances payable to such Watchmen, and of the number and situation of all station-houses in such Borough, and also a copy of all rules, orders and regulations which shall from
93 time to time be made by such Watch Committee, or by the Council of such Borough for the regulation and guidance of such Watchmen.

79.
Regulations
to be observed
by Watch
Committee.

AND whereas parts of certain Boroughs are within the provisions of one or more Local Act or Acts for regulating the lighting thereof, and certain other parts of the same Boroughs are not within the provisions of any Local Act for regulating the lighting thereof, and for want of such lighting the efficiency of the Watchmen may be much diminished, and great facilities afforded for the commission of crimes, and for the escape of the offenders; FOR Remedy thereof, Be it Enacted, That it shall be lawful for the Council of any Borough, in any part of which there is a Local Act for the lighting thereof, to make an order that any part of such Borough, not being within the provisions of any Local Act for the lighting thereof, shall, from and after a certain day to be named in such order, be taken to be within the provisions of such Local Act or Acts for lighting any part of such Borough as the Council shall specify in such order; and after such day the part named in such order shall be within the provisions of the Act or Acts so specified, so far as relates to lighting, or to any rates authorized to be levied for the purpose of lighting, as fully as if such part had been originally named in such Act or Acts, any thing in such Act or Acts to the contrary notwithstanding :
94 Provided always, That every part named in such order shall be lighted in the like manner as those parts which before the making of such order were within the provisions of such Local Act, and that the Rate to be raised for the purpose of defraying the expenses of lighting any part so named in such order, shall not exceed the average expense in the pound of the lighting of the other parts of such Borough.

80.
Power for
Council to
order parts of
Borough, not
within Local
Acts, as to
lighting, to be
included in
such Act.

Proviso as
to amount of
Rate for light-
ing.

81.

Council may assume the Powers of Commissioners under 9 Geo. 4. c. 82. for paving, lighting or cleansing Streets of any Borough;

And be it Enacted, That if the Council of any Borough chosen under this Act shall, by public notice to be affixed on the outer door of the Town Hall, or in some public place within the Borough, declare, that on a certain day, to be named in such notice, not less than Twenty-one Days after the day on which such public notice shall have been given; they will take upon themselves the powers given to the Commissioners under a certain Act, made in the ninth year of the reign of his late Majesty, intituled, " An Act to make Provision for the lighting, cleansing and watching of Cities, Towns Corporate and Market Towns in Ireland, in certain cases," so far as relates to the lighting of any part of such Borough, which is not within the provisions of any Local Act for lighting the same, the Council of such Borough shall, after the day named in such notice, have the same powers and duties as belong to Commissioners under the said last recited Act, in regard to lighting and to levying rates for the purpose of lighting such part of the Borough, except so far as the same are contrary to, or inconsistent with, the provisions of this Act.

82.

And (except in Dublin) make Estimate and Valuation of Property.

Appeal against such Estimate.

And be it Enacted, That the Council of every Borough, except the City of Dublin, shall in every year before the Tenth day of January, cause an Estimate and Valuation to be made of the like Property, and in the same manner as the Commissioners appointed under the said recited Act of the ninth year of the reign of his late Majesty King George the Fourth were authorized and required to do, which shall have the force and effect for One Year, from the Tenth day of January in every year in which it shall have been made, of any estimate or valuation made under the said Act; and in case any Person shall think that such estimate is erroneous, either as being an excessive estimate of property belonging to him, or an insufficient estimate of property belonging to another, it shall be lawful for such Person, at any time before the First day of February then next, to appeal against such estimate; and he shall in that case, before that day, deliver to the Town Clerk of such Borough a notice signed by him, specifying of which of the said objections to such Estimate he complains; and such appeal shall be heard and determined in every Borough in which there shall be a Recorder under this Act, by the Recorder of the Borough, at the sitting of his Court held next after the expiration of Ten Days from the said First day of February; and when there shall be no such Recorder, it shall be heard and determined by the Assistant Barrister of the county having jurisdiction to hear and determine suits by civil bill for the district in which the property estimated shall be situated, at the sessions held for such district next after the expiration of said Ten Days; and such Recorder or Barrister shall have power to award to or against the Person appealing such costs, not exceeding Ten Shillings, as he shall think fit, and to issue a decree against the party appealing for any costs awarded against him, which shall

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96

675

97 shall have the force of a decree in a suit by civil bill ; and in case he shall award costs to be paid to him, to make an order on the Treasurer of such Borough to pay the sum out of the Borough rate, which order the said Treasurer shall obey ; and the determination of such Recorder or Barrister shall be conclusive : Provided, however, That no such Recorder or Barrister shall entertain such appeal without proof that such notice as aforesaid was given ; and provided also, That he shall not have power to inquire into any objection to such estimate, save the one specified in such notice ; and that if such appeal shall not be prosecuted effectually by the Person appealing, the estimate shall be taken to be conclusive, notwithstanding such notice.

98 And be it Enacted, That it shall be lawful for the Council of any Borough to make such Bye-laws as to them shall seem meet for the good rule and government of the Borough, and for prevention and suppression of all nuisances as are not already punishable under any Act already in force throughout such Borough, and to appoint by such Bye-laws such fines as they shall deem necessary for the prevention and suppression of such offences ; provided that no fine so to be appointed shall exceed the sum of Five Pounds, and that no such Bye-law shall be made unless at least Two-thirds of the whole number of the Council shall be present ; provided that no such Bye-law shall be of any force until the expiration of Forty Days after the same, or a copy thereof, shall have been sent, sealed with the seal of the said Borough, to the Lord Lieutenant, and shall have been affixed on the outer door of the Town Hall, or in some other public place within such Borough ; and if, at any time within the said period of Forty Days, the Lord Lieutenant, with the advice of the Privy Council of Ireland, shall disallow the same Bye-law, or any part thereof, such Bye-law, or the part thereof disallowed, shall not come into operation : Provided also, That it shall be lawful for the Lord Lieutenant, at any time within the said period of Forty Days, to enlarge the time within which such Bye-law, if disallowed, shall not come into force ; and no such Bye-law shall, in that case, come into force until after the expiration of such enlarged time ; and the Town Clerk of every Borough shall, under the directions of the Council thereof, cause all the Bye-laws and Regulations in force in such Borough from time to time to be printed in a uniform and convenient form, and shall keep copies thereof publicly affixed in the office of such Town Clerk, and in every public office and court of such Borough, of or belonging to or connected with the Corporation thereof, for the free and open inspection of all Persons, without any fee, at all reasonable hours ; and shall deliver a copy of such Bye-laws and Regulations to any Person requiring the same, on payment of such reasonable price for the same as the Council shall from time to time direct ; and if any Person shall wilfully and maliciously pull down,

82.
Council to
have power
to make
Bye-laws.

destroy or deface any copy of such Bye-laws and Regulations, as shall 99
 be so affixed as aforesaid, such Person shall for every such offence forfeit
 and pay any sum not exceeding Twenty Shillings: Provided further,
 That no Bye-law to be made by the Council of the Boroughs of Cole-
 raine and Londonderry respectively shall be sent to the Lord Lieutenant
 until the same shall have been approved of by the Honourable Society
 of the Governor and Assistants of London of the new Plantation in
 Ulster, within the realm of Ireland.

84.
 As to breaches
 of Bye-laws.

And be it Enacted, That all the provisions hereinafter contained
 relative to offences against this Act, punishable upon summary convic-
 tion, shall be taken to apply to all offences committed in breach of any
 Bye-law or Regulation made by virtue of this Act.

85.
 All Corporate
 Property, and
 all Fines, to
 be received
 on account of
 the Borough
 Fund.

And be it Enacted, That after the election of the Treasurer in any
 Borough, the rents, issues and profits of all hereditaments, estates and
 tenements, and the interest, dividends and annual proceeds of all
 monies, dues, chattels and valuable securities belonging or payable
 to any Body Corporate named in conjunction with the said Borough in
 the said Schedules (A.), (B.) and (C.), or to any Member or Officer
 thereof in his corporate capacity, and every fine or penalty for any 100
 offence against this Act (the application of which has not been already
 provided for), shall be paid to the Treasurer of such Borough; and all
 the monies which he shall so receive shall be carried by him to the
 account of a fund to be called "The Borough Fund."

86.
 Salaries of
 Recorder,
 Town Clerk,
 Treasurer and
 other Officers,
 and Election
 Expenses, to
 be paid out of
 such Fund.

And be it Enacted, That the Borough Fund, subject to the payment
 of any lawful debt due from such Body Corporate to any Person,
 which shall have been contracted before the passing of this Act, and
 unredeemed, or of so much thereof as the Council of such Borough
 from time to time shall be required, or shall deem it expedient to
 redeem, and to the payment from time to time of the interest of so
 much thereof as shall remain unredeemed, and saving all rights, in-
 terests, claims or demands of all Persons or Bodies Corporate in or
 upon the real or personal estate of any Body Corporate by virtue of
 any proceedings either at law or in equity which have been already
 instituted, or which may be hereafter instituted, or by virtue of any
 mortgage or otherwise, shall be applied towards the payment of the
 salary of the Mayor and of the Recorder, and of the Police Magistrate, 101
 hereinafter mentioned, when there is a Recorder or Police Magistrate,
 and of the respective salaries of the Town Clerk and Treasurer, and
 of every other Officer whom the Council shall appoint, and also toward
 the payment of the expenses incurred from time to time in preparing
 and printing Burgess Rolls and Ward Lists and Notices, and in other
 matters attending such elections as are herein mentioned, and, in Bo-
 roughs

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roughs which shall have a separate Court of Sessions of the Peace, as is hereinafter provided, towards the expenses of the prosecution, maintenance and punishment of offenders committed from the Borough for trial at the Sessions of the Peace for such Borough, and towards the expense of maintaining the corporate buildings, and in all Boroughs, save the city of Dublin, towards the paving, cleansing and lighting the streets of said Borough, and towards supplying the inhabitants with water, the payment of the watchmen, maintaining the peace and good order, and of all other municipal expenses which shall be necessarily incurred in carrying into effect the provisions of this Act; and in case the Borough Fund shall be more than sufficient for the purposes aforesaid, the surplus thereof shall be applied under the direction of the Council, for the public benefit of the inhabitants, and improvement of the Borough.

87.

Tolls or Dues payable before the passing of this Act not to be altered or reduced until payment of the Debt chargeable thereon.

Provided always, and be it Enacted, That it shall not be lawful for the Council to be elected under the provisions of this Act in any Borough in which the Body Corporate, named in conjunction with the said Borough in the said Schedules (A.), (B.) and (C.) before the time of the passing of this Act, shall have contracted any lawful debt, chargeable on any tolls or dues belonging or payable to the said Body Corporate, or to any Member or Officer thereof, in his corporate capacity, or towards the satisfaction whereof such tolls or dues, or any part thereof, were applicable before the passing of this Act, to alter or reduce the amount to be levied and payable of such tolls or dues, or to grant for any consideration, any remission of or exemption from such tolls or dues, or any part thereof, unless with the consent in writing, under the hands of a majority in number and amount, of the creditors to whom such debt is due, until after such debt and all arrears of interest due thereon shall have been fully paid and satisfied.

88.

Council authorized to raise Funds for payment of Expenses incurred in carrying this Act into execution.

And be it Enacted, That in case the Borough Fund shall not be sufficient for the purposes aforesaid, or in case there shall be no Borough Fund, the Council of the Borough is hereby authorized and required from time to time to estimate, as correctly as may be, what amount, in addition to such fund, or when there shall be no such fund, will be sufficient for the payment of the expenses to be incurred in carrying into effect the provisions of this Act; and in order to raise the amount so estimated, the said Council is hereby authorized and required from time to time to order a Borough Rate to be made within their Borough, and for that purpose the Council of such Borough shall have within their Borough all the powers and authorities which any Commissioners in any Borough in Ireland have within the limits of their commission, by virtue of the said last-recited Act of the ninth year of the reign of his late Majesty, and shall observe and preserve the provisions thereof as if the same were herein recited, or as near thereto as the nature of

the case will admit, except as is hereinafter excepted; and all such sums levied in pursuance of such Borough Rate shall be paid over to the account of the Borough Fund; provided, however, that if there shall be any surplus of any such Rate in any year, it shall be applied in some succeeding year to some purpose for which a Borough Rate may be made, and not to the general purposes to which the surplus of the Borough Fund may be applied as aforesaid. 104

89.
Council
authorized to
levy a Watch
Rate.

Provided always, and be it Enacted, That in every case in which before the passing of this Act any Rate might be levied in any Borough, save the City of Dublin, for the purpose of watching solely by day or by night, or for the purpose of watching by day or by night conjointly with any other purpose, it shall be lawful for the Council of such Borough to levy a Watch Rate, sufficient to raise any sum not greater than the average yearly sum, which, during the last Seven Years, or where such Rate shall not have been levied during Seven Years, then during such less number of years as such rate shall have been levied, shall have been expended in the maintenance and establishment of watchmen within the district in which such Rate was levied, and for that purpose the Council shall have all the powers hereinbefore given to the Council in the matter of the Borough Rate, and all such powers as were at the time of the passing of this Act vested in any Person or Persons for imposing or levying any such rate; and where any part of any Borough shall not at the time of the passing of this Act be within the provisions of the Act authorizing the levy of such Rate for watching as aforesaid, it shall be lawful for the Council from time to time to order that such part, or so much thereof as to the Council shall seem fit, shall be rated to the Watch Rate in like manner as other parts of the Borough to be specified in such order, and such Watch Rate thereupon shall be levied within the part mentioned in such order, in like manner as in the other parts of the Borough so specified, and all such sums levied in pursuance of such Watch Rate shall be paid over to the account of the Borough Fund: Provided always, That no such order as last aforesaid shall be made for rating to such Watch Rate any part of any Borough in which at the time of passing this Act such Rate as aforesaid shall not be levied, and which is more than Two hundred Yards distant from any street or continuous line of houses which shall be regularly watched within the Borough under the provisions of this Act. 105 106

90.
Act not to
render Cor-
porate Pro-
perty liable
for Debts not
chargeable
thereon, nor
to authorize
the levy of
new Rates for
payment of
Debts.

And be it Enacted, That nothing in this Act contained shall be construed to render liable to the payment of any debt contracted before the passing of this Act by any Body Corporate any part of the real or personal estate of the said Body Corporate which before the passing of this Act was not liable thereto, or to authorize the levy of any Rate within any part of any Borough for the purpose

679

purpose of paying any debt contracted before the passing of this Act, which before the passing of this Act could not lawfully be levied therein towards the payment of the same.

107 And be it Enacted, That the Treasurer of every Borough shall, in Books to be kept for that purpose, enter true accounts of all sums of money by him received and paid on account of the purposes of this Act, and of the several matters for which such sums shall have been paid; and the books containing such Accounts shall, at all reason-
 108 able times, be open to the inspection of any of the Aldermen or Councillors of such Borough; and all the Accounts, with all vouchers and papers relating thereto, shall, in the months of March and September in every year, be submitted by the Treasurer of the Borough to the Auditors hereinbefore provided to be elected, and to such Member of the Council as the Mayor shall name, on the First day of March in every year, or in case of extraordinary vacancy within Ten Days next after such vacancy, for the purpose of being examined and audited, from the First day of September in the year preceding to the First day of March, and from the First day of March to the First day of September in the year in which the said Auditors were elected and named; and if the said Accounts shall be found to be correct, the Auditors shall sign the same; and after such Accounts shall have been so respectively examined and audited in the month of September in every year, each Treasurer shall make out in writing, and shall cause to be printed, a full Abstract of his Accounts for the year, and a copy thereof shall be open to the inspection of all the rate-payers of such Borough, and copies thereof shall be delivered to all rate-payers of such Borough applying for the same, on payment of One shilling for each copy.

91.
Accounts of Receipts and Disbursements to be kept, audited and published.

AND whereas many of the said Municipal Corporations in Ireland have been and now are seised and possessed of divers lands, tenements and hereditaments, and the same have been granted to them, and ought to be vested in them for the public benefit of the said Boroughs respectively; and it is expedient to make further provision than now by law exists for preventing the waste and misapplication of such property, and of all other property which may hereafter be so granted to or acquired by Municipal Corporations for Municipal purposes; BE it Enacted, That in any case of waste or misapplication of any such property, or of any breach of trust in respect thereof, or wherever the direction, decree or order of a court of equity shall be deemed necessary for the due administration and application of any such property, it shall be lawful for His Majesty's Attorney General for Ireland, or for any Two or more Burgesses of such Borough, to present a petition to the Court of Chancery or to

92.
Property, remedy for misapplication of.

XVI.
Power of
Sale and
Leasing
restrained.

And be it Enacted, That it shall not be lawful for ⁽¹⁾ any Body Corporate ⁽²⁾ *named in the said Schedule (A.)* at any time after the passing of this Act, to sell, mortgage or alienate the lands, tenements and hereditaments of the said Body Corporate, or any part thereof, except in pursuance of some covenant or contract or agreement bonâ fide made or entered into on or before the Fifth day of June in the year One thousand eight hundred and thirty-five, by or on behalf of ⁽³⁾ such Body Corporate ⁽⁴⁾ or of some resolution duly entered in the corporation books of such Body Corporate on or before the said Fifth day of June, or to demise or lease, except in pursuance of some covenant, contract or agreement bonâ fide made or entered into on or before the said Fifth day of June, by or on behalf of such Body Corporate, or in pursuance of some resolution duly entered in the corporation 111

the Court of Exchequer in Ireland, stating such complaint, and praying such relief as the nature of the case may require; and it shall be lawful for the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal, or the Master of the Rolls for the time being, and for the Court of Exchequer, and they are hereby required to hear such petition in a summary way, and to direct all such persons as they shall consider necessary to answer to same, and if necessary to issue a commission for the examination of Witnesses, and on their depositions or upon affidavits, or such other evidence as shall be produced upon such hearing, to determine the same, and to give such relief and make such order therein, and with respect to the costs of such application, and to enforce the same by injunction or otherwise, as to him or them shall seem just; and such order shall be final and conclusive, unless the party or parties who shall think himself or themselves aggrieved thereby shall, within Two Years from the time when such order shall have been passed and entered by the proper Officer, have preferred an appeal from such decision to the House of Lords, to whom (it is hereby declared and enacted) an appeal shall lie from such order. 110

93.
Proceedings
not liable to
Stamp Duty.

And be it Enacted, That neither the petitions nor any proceedings upon the same or relative thereto, nor the copies of any such petitions or proceedings, shall be subject or liable to the payment of any Stamp Duty, charge for Chancery or other court fund, or other public charge whatever, save only the actual expense of making a copy when any copy shall be required from any of such Courts.

(¹) the Council of *the City of London* (²) to be elected under

(³) the *City of London* (⁴) of any Borough,

corporation books of such Body Corporate, on or before the said Fifth day of June, except in the cases hereinafter mentioned, any lands, tenements or hereditaments of such Body Corporate or any part thereof, or to enter into any new contract or agreement, except in the cases hereinafter mentioned for demising or leasing the said lands, tenements and hereditaments, or any part thereof, for any term exceeding Thirty-one Years from the time when such lease shall be made, or if made in pursuance of a previous agreement, then from the time when such agreement shall have been entered into; and in every such lease ⁽¹⁾ for any term not exceeding such term of Thirty-one Years there shall be reserved and made payable, except in the cases hereinafter mentioned, during the whole of the term thereby granted, such clear yearly rent as to the ⁽²⁾ Body Corporate shall appear reasonable, without taking any fine for the same.

XVII.
Provision in
certain cases
of Leasing.

Provided always, and be it Enacted, That in all cases in which any Body Corporate shall, on the Fifth day of June in the year 112 One thousand eight hundred and Thirty-five, have been bound or engaged by any covenant or agreement, express or implied, or have been enjoined by any deed, will or other document, or have been sanctioned or warranted by ancient usage, or by custom or practice, to make any renewal of any lease for years or for life or lives, or for years determinable with any life or lives, at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or on the dropping of any life or lives at a fine certain, or under any special or specific terms or conditions, and also in all cases in which any Body Corporate shall theretofore have ordinarily made renewal of any lease for years or for life or lives, or for years determinable with any life or lives at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or upon the dropping of any life or lives, upon the payment of an arbitrary fine, it shall be lawful for the Council of such Borough to renew such lease for such term or number of years, either absolutely or determinable with any life or lives, or for 113 such life or lives, and at such rent, and upon the payment of such fine or premium, either certain or arbitrary, and with or without any covenant for the future renewal thereof, as such Body Corporate could or might have done in case this Act had not been passed. ⁽³⁾

And

⁽¹⁾ which the said Council is not hereby restrained from making,

⁽²⁾ Council

⁽³⁾ Provided nevertheless, That in every case in which such Council shall deem it expedient to sell and alienate, or to demise and lease

XVIII.

Collusive Purchases, Sales and Demises of Corporate Property since

And be it Enacted, That ⁽¹⁾ all purchases, sales, leases and demises not made in pursuance of some such bonâ fide covenant, contract, agreement or resolution made and entered into as aforesaid before the said

for a longer term than Thirty-one Years, or upon different terms and conditions than those hereinbefore mentioned, any of the said lands, tenements or hereditaments, it shall be lawful for such Council to represent the circumstances of the case to the Lords Commissioners of His Majesty's Treasury; and it shall be lawful for such Council, with the approbation of the said Lords Commissioners, or any Three of them, to sell, alienate and demise any of the lands, tenements and hereditaments of the said Body Corporate, in such manner and on such terms and conditions as shall have been approved by the said Lords Commissioners: Provided always, That notice of the intention of the Council to make such application as aforesaid shall be fixed 114 on the outer door of the Town Hall, or in some public or conspicuous place within the Borough, One calendar Month at least before such application; and a copy of the Memorial intended to be sent to the said Lords Commissioners shall be kept in the Town Clerk's office during such calendar Month, and shall be freely open to the inspection of every Burgess at all reasonable hours during the same.

96.

Leases of certain Buildings, and of Ground for building on, or for making Gardens, &c. may be made for Seventy-five Years.

Provided nevertheless, and be it Enacted, That in any of the instances hereinafter mentioned it shall be lawful for the Council from time to time to demise and lease, or to enter into any contract or agreement for demising and leasing any of the said lands, tenements or hereditaments to any Person, Body Politic, Corporate or Collegiate, for any term not exceeding Seventy-five Years from the time of making such lease or agreement; (that is to say) of tenements or hereditaments, the greater part of the yearly value of which shall at the time of making the lease or agreement consist of any building or buildings, of land or ground proper for the erection of any houses or other buildings thereupon, with or without gardens, yards, curtilages or other appurtenances to be used therewith; and where the Lessee or intended Lessee shall covenant or agree to erect 115 a building or buildings thereon of greater yearly value than such land or ground, of land or ground proper for gardens, yards, curtilages or other appurtenances, to be used with any other house or other building erected or to be erected on any such ground, belonging either to such Body Corporate or to any other proprietor, or proper for any other purpose calculated to afford convenience or accommodation to the occupiers of any such house or building.

⁽¹⁾ it shall be lawful for the Council first to be elected in any Borough under the provisions of this Act to call in question

the 5th June
1835 for undue
consideration,
may be set
aside.

said Fifth day of June, and all contracts for the purchase, sale, lease or demise of any lands, tenements and hereditaments, and all divisions and ⁽¹⁾ *appropriations* of the monies, goods and valuable securities, or any part of the real or personal estate, of which on or before the said Fifth day of June the Body Corporate, ⁽²⁾ whether
 116 in their own right or as Trustees for charitable or other purposes, was seised or possessed, which shall have been made or contracted between the said Fifth day of June ⁽³⁾ *may be called in question by the Commissioners to be appointed by virtue of this Act*; and for that purpose, if it shall appear to the said ⁽⁴⁾ *Commissioners* that there is ground for believing that any such purchase, sale, lease or demise, or such contract, or such division or appropriation of the premises, was collusively made for no consideration, or for an inadequate consideration, it shall be lawful for the ⁽⁵⁾ *said Commissioners* at any time within ⁽⁶⁾ *Twelve* calendar Months next after the ⁽⁷⁾ *said First day of January One thousand eight hundred and Thirty-seven*, upon notice of their intention being first given in the Dublin Gazette, and also affixed on the outer door of the Town Hall or in some public place within the ⁽⁸⁾ *Town*, to cause the value of the lands, tenements, hereditaments and premises in question to be inquired of and found by a jury of Twelve indifferent men of the County in which, or adjoining to which in the case of all Counties of Cities and Towns Corporate,
 117 such lands, tenements, hereditaments or premises do lie; and in order thereto the said ⁽⁹⁾ *Commissioners* are empowered to summon and call before such jury all Persons having the custody and possession of any Deed or Agreement concerning the said lands, tenements, hereditaments and premises made or entered into since the said Fifth day of June, and to cause all such Deeds and Agreements to be produced before the said jury, and examined by them, and to examine upon oath every Person who shall be thought necessary to be examined (which oath ⁽¹⁰⁾ *any one of the said Commissioners* is hereby empowered to administer); and the ⁽¹¹⁾ *Commissioners* shall, by ordering a view or otherwise, use all lawful means for the information as well of themselves as of the said jury in the premises; and the jury shall find the value of the said lands, tenements, hereditaments
 and

⁽¹⁾ approbations

⁽²⁾ of which they are the Council,

⁽³⁾ and the day of the declaration of their election;

⁽⁴⁾ Council

⁽⁵⁾ Council of such Borough,

⁽⁶⁾ Six

⁽⁷⁾ first election of Councillors under this Act shall have been declared in such Borough,

⁽⁸⁾ Borough,

⁽⁹⁾ Council is

⁽¹⁰⁾ the Mayor

⁽¹¹⁾ Council

and premises, and the consideration which shall have been given, and also that which ought of right to have been given, for the purchase, sale, lease, demise or appropriation thereof, according to the terms of such purchase, sale, lease, demise, contract or appropriation, and taking into account all the circumstances under which the same shall have taken place; and if the jury by their oaths shall find that no consideration, or a consideration less than that which they shall have so found to be the value which ought therefore to have been given, shall have been collusively given or contracted to be given by the terms of any such purchase, sale, lease, demise, contract or appropriation, the party to such purchase, sale, lease, demise, contract or appropriation shall have his option either to re-convey and restore the lands, tenements, hereditaments and premises in question, and to abandon the contract to which he shall have been party, upon receipt in each case of the consideration, if any, which he shall have given for the same, or to give therefore in each case such additional consideration, so that the whole consideration given shall be that which ought of right to have been given so found by the jury as aforesaid; and in every such case as last aforesaid the additional consideration given or to be given shall be indorsed on the original deed or conveyance; and unless he shall so do within One calendar Month next after the finding of the jury, every such purchase, sale, lease, demise, contract and conveyance shall be absolutely void and of none effect as against the said Body Corporate and ⁽¹⁾ *Commissioners*; and in every case in which any such contract shall have been abandoned as aforesaid, or in which any such purchase, sale, lease, demise, contract or conveyance shall become void and of none effect, under the provisions of this Act, the party who would otherwise have had the benefit of the same shall be remitted to his former estate, title and interest (if any) in the premises, as if no such contract, purchase, sale, lease or demise had been made or entered into; and for summoning and returning such juries, and for imposing fines on the Sheriff, his deputy, bailiff or agent, and on the Persons summoned and returned on the said jury, and on any Person required to give evidence who shall in this behalf contravene the provisions of this Act, the ⁽²⁾ *Commissioners* shall have all the powers which the superior Courts of Record in Dublin have; and all the costs of the said jury, and of all witnesses tendered by the said ⁽³⁾ *Commissioners* to be examined before the said jury, shall in every case be borne by the ⁽⁴⁾ *said Commissioners*, and paid out of the ⁽⁵⁾ *Town Fund hereinafter mentioned*: Provided nevertheless, That it shall be lawful for His Majesty, if He shall

(¹) their successors; (²) Council of every such Borough,
 (³) Council (⁴) Council (⁵) Borough Fund

shall think fit, by the advice of His Privy Council, upon petition to Him setting forth the special circumstances under which any purchase, sale, lease, demise, contract or appropriation of any of the said lands, tenements, hereditaments and premises shall have been made since the said Fifth day of June, to order that the same shall not be called in question under the provisions of this Act; and in such case as last aforesaid the same shall not be called in question or set aside or affected under the provisions of this Act: Provided always, That in every case in which such petition shall have been presented, it shall be lawful for His Majesty, if He shall think fit, to enlarge the time within which (in case His Majesty shall not think
 121 fit to make such order as aforesaid) the ⁽¹⁾ *Commissioners* may have power as aforesaid to call in question any purchase, sale, lease, demise, contract or appropriation referred to in such petition: Provided always, That nothing herein contained shall be construed to give or shall give any effect or validity to any sale, demise or other disposition of or any agreement relating to any lands, tenements, hereditaments or other property which at any time belonged to any Corporate Body, but that the validity of such agreement, sale, demise or other disposition shall be liable to be questioned in any *Court* ⁽²⁾ of Law or Equity by the ⁽³⁾ *Commissioners to be appointed by virtue of this Act*, or any Burgess or Freeman, or other Person, as fully as if this Act had not been passed.

(5)

(1) Council

(2) Courts

(3) Council of the Borough

(4) of the

(5) And be it Enacted, That in every case in which a Body Corporate, or any particular class, number or description of Members, or the Governing Body of any Body Corporate now is or are in their corporate capacity, and not as Charitable Trustees, according to the meaning and provisions of this Act, seised or possessed of any manors, lands, tenements or hereditaments, whereunto any advowson or right of nomination or presentation to any Benefice or Ecclesiastical Preferment is appendant or appurtenant, or of any advow-
 122 son in gross, or hath or have any right or title to nominate or present to any Benefice or Ecclesiastical Preferment, every such advowson, and every such right of nomination and presentation shall be sold at such time and in such manner as the Ecclesiastical Commissioners for Ireland may direct, so that the best price may be obtained for the same; and it shall be lawful for the Council of such Body Corporate, and they are hereby authorized and required, with the consent of the said Commissioners, or any Three or more of them, in writing under their hands, to convey and

281.

H

assure

98.

Sale of Advowsons, &c.

assure under the common seal of such Body Corporate such advowson, or such right of nomination or presentation as aforesaid, to the Purchaser or Purchasers thereof respectively, his or their heirs, executors, administrators and assigns, or to such uses as he or they shall direct; and the proceeds of every such sale shall be paid to the Treasurer of the Borough, whose receipt shall be a sufficient and effectual discharge to the Purchaser or Purchasers to whom the same shall be given, for the amount of his or their purchase money; and it shall be lawful for the Council of such borough to direct that such purchase money or any part thereof shall be applied towards the liquidation of any debt contracted before the passing of this Act by the Body Corporate now seised of or entitled to the property so sold, and if it shall not be so applied it shall be invested in Government Securities, for the use of the Body Corporate, and the annual interest payable thereon shall be carried to the account of the Borough Fund: Provided always, That in any case of vacancy arising before any such sale shall have taken place and been completed, such vacancy shall be supplied by the presentation or nomination of the Bishop or Ordinary of the Diocese in which such Benefice or Ecclesiastical Preferment is situated.

123

99.

Council of certain Boroughs to name Persons to receive Commission of Justices of Peace.

And be it Enacted, That it shall be lawful for His Majesty, from time to time, to assign to so many Persons as he shall think proper, His Majesty's Commission to act as Justices of the Peace in and for each Borough, and in and for each of the Counties of Cities and Towns respectively named in the said Schedules (A.) and (B.) to which His Majesty may be pleased, to grant a Commission of the Peace: Provided nevertheless, That every Person so to be assigned shall reside within the Borough for which he shall be so assigned, or within Seven Miles of such Borough, or of some part thereof, during such time as he shall act as a Justice of the Peace in and for such Borough.

124

100.

Councils may make Bye-laws on which the Crown may appoint salaried Justices.

And be it Enacted, That if the Council of any Borough shall think it requisite that a salaried Police Magistrate or Magistrates be appointed within such Borough, such Council is hereby empowered to make a Bye-law, fixing the amount of the salary which he or they are to receive in that behalf; and such Bye-law so made by any Council as aforesaid shall be transmitted to the Lord Lieutenant of Ireland, and the Lord Lieutenant thereupon shall be authorized to appoint so many fit Persons as are specified in the said Bye-law (being Barristers-at-Law of not less than Six Years' standing), to be, during His Majesty's pleasure, Police Magistrate or Magistrates, and a Justice or Justices of the Peace for such Borough, and to direct that such sum shall be paid quarterly out of the Borough Fund of such

125

Borough

684

Borough as will be sufficient to pay such yearly salary to each of the Justices so assigned as last aforesaid, not exceeding, in the whole, the salary mentioned in the prayer of such Petition, clear of all fees or deductions, as to the Lord Lieutenant shall seem fit; and the Treasurer of such Borough shall thereupon pay to each Justice so assigned as last aforesaid, out of the Borough Fund of such Borough, the salary so directed to be paid by four equal quarterly payments, and in the same proportion up to the time of the death of such Justice, or his ceasing to act under such assignment as aforesaid; provided that in every case of vacancy of the office of Police Magistrate in any Borough aforesaid, no new appointment of Police Magistrate in such Borough shall be made until the Council shall again make application to the Lord Lieutenant in that behalf, and as in the case of the first appointment of a Police Magistrate in such Borough.

126 And be it Enacted, That the Council of every Borough to which a separate Commission of the Peace shall be granted under the provisions of this Act shall be authorized and required to provide and furnish one or more fit and suitable office or offices, to be called "The Police Office" or Offices of the Borough, for the purpose of transacting the business of the Justices of the Borough, and to pay from time to time, out of the Borough Fund, such sums as may be necessary for providing, upholding and furnishing, and for the necessary expenses of such Police Office or Offices; and the Council of every such Borough shall, in case the Borough Fund shall not be sufficient, or in case there shall be no Borough Fund, have the power of including in and paying out of the Borough Rate of such Borough such sum as shall be required for providing, upholding and furnishing, and for the necessary expenses of such Police Office or Offices; provided that no room in any house licensed as a Victualling-house or Ale-house, shall be used for the purpose of any such Police Office.

101.
Council to
provide a
Police Office.

127 And be it Enacted, That every Person assigned to keep the peace within any Borough under the provisions of this Act, or any of them, shall, during the continuance of such assignment, execute the duties of a Justice of the Peace in and for the Borough for which he shall have been so assigned, although he may not have such qualification by estate as is required by law in the case of other Persons being Justices of the Peace for a County; provided that such Person be not disqualified by law to act as a Justice of the Peace for any other cause, or upon any other account than in respect of estate, and although such Person may not be a Burgess of the Borough in and for which he shall have been assigned to act as a Justice of the

102.
Justices
need not be
qualified by
Estate.

Peace ; and that every summons for the appearance of any Person, or warrant to compel such appearance, or warrant for the apprehension of any Person charged with any offence, or search warrant issued by any Justice of the Peace acting in and for any Borough in any matter within his jurisdiction, may be respectively served and executed within any county in which the said Borough shall be situated, or within any distance not exceeding Seven Miles from such Borough, and within such limits as aforesaid shall have the same force and effect as if the same had been originally issued or subsequently indorsed by a Justice of the Peace, having jurisdiction in the place where the same shall be served or executed ; any law, statute, charter or usage to the contrary notwithstanding ; and every such summons and warrant shall and may be lawfully served or executed within such limits as aforesaid by the Constable to whom the same shall be directed, or by any Constable or other Peace Officer of the County, Borough, Parish or Place in which the Person named in such summons or warrant may be : Provided always, That nothing herein contained shall extend to enable the Council to be elected for the City of Dublin under this Act, to appoint any of the Divisional Justices within the Police District of Dublin Metropolis, who may now be appointed by the Assembly of the Corporation of the said City, pursuant to the provisions of an Act made in the fifth year of the reign of his late Majesty King GEORGE the Fourth, intituled, " An Act to amend an Act of the Forty-eighth year of the reign of his late Majesty, for the more effectual administration of the office of a Justice of the Peace, and for more effectual prevention of Felonies within the District of Dublin Metropolis ;" but that the appointment of all the Divisional Justices shall be made by the Lord Lieutenant, and it shall not any longer be requisite that any of the said Divisional Justices shall be an Alderman of the City of Dublin, or a Sheriff's Peer, or Member of the Common Council of the said City : Provided nevertheless, That no such Person, by virtue of such assignment, shall act as a Justice of the Peace at any Court of Gaol Delivery, or General or Quarter Sessions, or in making or levying any County Rate, or Rate in the nature of a County Rate.

Council of the City of Dublin not to appoint Divisional Justices under the 48 Geo. 3. c. 140, and 5 Geo. 4. c. 102.

103.
Justices to appoint a Clerk, who shall not be the Town Clerk or of the Council, nor be concerned in the Prosecution of Offenders committed by the Borough Justices.

And be it Enacted, That it shall be lawful for the Justices of every Borough to which a separate Commission of the Peace shall be granted as aforesaid, at their first or any other Meeting, and they are hereby respectively required to appoint a fit Person to be the Clerk to the Justices of such Borough, to be removable at their pleasure, and so as often as there shall be a vacancy in the said office of Clerk to the Justices by death, resignation, removal or otherwise ; provided that it shall not be lawful for the said Justices to appoint or continue as such Clerk to the Justices any Alderman

or

AND whereas it may be expedient that the administration of any real or personal estate of which any Bodies Corporate named in the said Schedule (A.) now stand seised or possessed, in trust as to the whole or in part for certain charitable trusts, be kept distinct from that of the Public Stock and Borough Fund; BE it Enacted, That in every Borough in which any Body Corporate named in the said Schedule (A.) to this Act annexed, or any one or more of the Members of such Body Corporate, in his or their corporate capacity, or any Person or Persons elected from among or out of the Members of any such Body Corporate, or any of them, or any Person or Persons elected by any such Body Corporate, or any Member or Members thereof, now stands or stand solely or together with any Person or Person seised or possessed for any estate or interest whatsoever, of any hereditaments or any sums of money, chattels, securities for money, or any other personal estate whatsoever, in whole or in part, in trust or for the benefit of any charitable uses or trusts whatsoever, then and in every such case, until Parliament shall otherwise provide, all the estate, right, interest and title, and all the powers of such Body Corporate, solely or together, as aforesaid, in respect of the said uses and trusts, shall, on the said First day of January One thousand eight hundred and Thirty-seven, be and are hereby vested in the Persons who shall, on the preceding day, have been the Mayor, Aldermen and Common Council, or other governing Officers of such Body Corporate, alone or together with the Person or Persons who shall have been seised or possessed of the same, together with such Body Corporate as aforesaid (as the case may be), and all the estate, right, interest and title, and all the powers of such member or members of such Body Corporate

or Councillor of such Borough, or Clerk of the Peace of such Borough, or the Partner of such Clerk of the Peace, or any Clerk or Person in the employ of such Clerk of the Peace: Provided also, That it shall not be lawful for the said Clerk to the Justices, by himself or his Partner, to be directly or indirectly interested or employed in the prosecution of any Offender committed for trial by the Justices of whom he shall be such Clerk as aforesaid, or any of them, at any Court of Gaol Delivery or General or Quarter Sessions; and any Person being an Alderman or Councillor, or Clerk of the Peace of any Borough, or the Partner or Clerk, or in the employ of such Clerk of the Peace, who shall act as Clerk to the Justices of such Borough, or shall otherwise offend in the premises, shall for every such offence forfeit and pay the sum of One hundred Pounds, one moiety thereof to the Treasurer of such Borough, to be paid
 131 over to the credit and account of the Borough Fund of such Borough, and the other moiety thereof, with full costs of suit, to any Person who will sue for the same in any of His Majesty's Courts of Record at Dublin.

Corporate, or any such Person or Persons elected as aforesaid, solely or together as aforesaid, in respect of the said uses or trusts, shall continue in the Persons who on the said First day of January One thousand eight hundred and Thirty-seven, shall be such Trustee or Trustees as aforesaid, notwithstanding that he or they, or such of them as shall have been a member or members of a Body Corporate as aforesaid, may have ceased to hold any office by virtue of which, before the said First day of January One thousand eight hundred and Thirty-seven, he or they shall have been such Trustee or Trustees, and notwithstanding he, they or any of them (whether a Member or Members of any such Body Corporate, or a Person or Persons elected as aforesaid), would have gone out of office at any time after the said First day of January One thousand eight hundred and Thirty-seven, or otherwise ceased to be such Trustee or Trustees: Provided always, That any vacancy which shall happen among such Charitable Trustees before any other provision shall be made by Parliament, it shall be supplied by an order of the Lord Chancellor of Ireland, or Lords Commissioners for the custody of the Great Seal for the time being, to be made upon petition in a summary way, who in every case shall appoint a fit Person to be a Trustee to supply such vacancy.

XX.
Trusts vested
in Corpora-
tion or their
Members.

And be it further Enacted, That in every case in which any Body Corporate named in the said Schedule (A.) to this Act annexed, or any one or more of the Members of such Body in his or their corporate capacity, or any limited number, class or description thereof, or any Person or Persons elected from among or out of the Members of any such Body Corporate, or any of them, or any Person or Persons elected by any such Body Corporate, or any Member or Members thereof, either solely or together with any other Person or Persons, is or are Trustee or Trustees for any purposes other than charitable purposes, or is or are authorized to exercise any powers or provisions of any Acts of Parliament now in force for supplying Water or Gas, or for any other purpose producing profits, which, or part of which, are to be divided between Shareholders or Proprietors, or other Persons, for their own benefit, then on the said First day of January One thousand eight hundred and Thirty-seven, and thenceforth until Parliament shall otherwise provide, all the estate, right, title and interest in or to any hereditaments or personal estate held in whole or in part upon such trusts, and all the powers of such Body Corporate, solely or together as aforesaid, shall be and are hereby vested solely or together, as aforesaid, in the persons who, on the preceding day, shall have been the Mayor, Aldermen and Common Council, or other the governing Officers of such Corporation, in the place of the Body Corporate, in cases where the said Body Corporate shall have been such Trustee, or authorized to exercise or join in exercising such powers or provisions, and in other cases all the estate, right, title and interest in or to any such hereditaments or personal estate,

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estate, and all the powers of any such Member or Members, or Person or Persons elected as aforesaid, shall continue in the Person or Persons who shall, on the preceding day, have been such Trustee or Trustees, or authorized to exercise, or join in exercising, such powers or provisions, solely or together as aforesaid (as the case may be), notwithstanding that he or they, or such of them as shall have been a Member or Members of any such Body Corporate, shall have ceased to hold the office by virtue of which, before the said First day of January One thousand eight hundred and Thirty-seven, he or they shall have been such Trustee or Trustees, and notwithstanding he, they or any of them (whether a Member or Members of any such Body Corporate, or a Person or Persons elected as aforesaid) would have gone out of office at any time after the said First day of January One thousand eight hundred and Thirty-seven, or otherwise ceased to be such Trustee or Trustees, or to be authorized to exercise, or join in exercising, such powers or provisions, if this Act had not passed: Provided always, That any vacancy among such Trustees or Persons authorized to exercise such powers or provisions as aforesaid, before any other provision shall be made by Parliament, shall be supplied by an order of the Lord Chancellor of Ireland, or Lords Commissioners for the custody of the Great Seal for the time being, to be made upon petition in a summary way, who in every case shall select a fit person to be a Trustee to supply such vacancy.

And be it Enacted, That nothing in this Act contained shall alter or affect the provisions of any local Act or Acts of Parliament made before the passing of this Act, for lighting, watching, cleansing, paving or otherwise relating to any Borough or Town named in the said Schedule (A.) to this Act annexed, further or otherwise than as the same are inconsistent with or contrary to the provisions of this Act; and that all powers which by any such Act of Parliament are vested in any Body Corporate named in the said Schedule (A.), or any Member or Members thereof in his or their corporate capacity, or any limited number, class or description thereof, or any Person or Persons elected from among or out of the Members of such Body Corporate; or any of them, or any Person or Persons elected by such Body Corporate, or any Member or Members thereof, shall, upon the said First day of January One thousand eight hundred and Thirty-seven and thenceforth, until Parliament shall otherwise provide, be exercised in manner hereinafter mentioned; (that is to say) such of the said powers as relate to the appointment of Justices of the Peace or Magistrates (other than the election of Persons who shall in their corporate capacity be such Justices or Magistrates), or to the appointment of other officers for the administration of Justice, or in anywise relating thereto, or to the appointment of Constables or other Persons for purposes relating to Police, shall be exercised by the Lord Lieutenant as if he had been named in such Act of Parliament respectively, instead of such Body Corporate or Member

XXI.
Saving Pro-
visions of
Local Acts.

or Members, Person or Persons ; and all other of the said powers not otherwise herein provided for shall be exercised alone or together, with such other Persons (if any) as would have been entitled to join in exercising the same, if this Act had not passed, by the Persons who on the preceding day shall have been the Mayor, Aldermen and Common Council, or other the governing officers of such Corporation in the place of such Body Corporate, in cases where the same are vested in the Body Corporate alone or together with any other Persons (as the case may be), and in other cases by the Person or Persons who shall on the preceding day have been such Member or Members of such Body Corporate, or Person or Persons elected as aforesaid, who alone or together as aforesaid shall continue to exercise the same, notwithstanding that he, or they or such of them as shall have been a Member or Members of any such Body Corporate have ceased to hold the office by virtue of which, before the said First day of January, he or they shall have been entitled to exercise or join in exercising the same ; and notwithstanding he, they, or any of them (whether a Member or Members of any such Body Corporate, or a Person or Persons elected as aforesaid), and have gone out of office at any time after the said First day of January One thousand eight hundred and Thirty-seven, or otherwise ceased to have been entitled to exercise or join in exercising the same, if this Act had not passed ; and the Persons hereby appointed to exercise such powers shall be removable by the Commissioners to be appointed by virtue of this Act, when the said Commissioners shall think proper, who shall, upon any such vacancy (if they shall think necessary, but not otherwise) appoint a Person or the like number of Persons, or a number of Persons as near as may be to the like number of Persons who were enabled to exercise or join in exercising such powers in room of and who shall have the same power and authority as the Body Corporate, or Member or Members of such Body Corporate, or Person or Persons claiming to exercise or join in exercising such powers.

XXII.
Other Corporations, of which any Body Corporate named in the Schedule, or any of its Members form part, to be over-
turned.

And be it further Enacted, That in every case in which any Body Corporate named in the said Schedule (A.) to this Act annexed, or any one or more of the Members of such Body Corporate in his or their corporate capacity, or any limited number, class or description of the Members thereof, or any Person or Persons elected from among or out of the Members of such Body Corporate, or any Person or Persons elected by any such Body Corporate, or any Member or Members thereof, is any other Body Corporate, or part of, or is or are a Member or Members of any other Body Corporate for any charitable or public or other purpose, such other Body Corporate shall continue in force as if this Act had not passed, and on the said First day of January One thousand eight hundred and Thirty-seven and thenceforth, until Parliament shall otherwise provide, where any Body Corporate named in the said Schedule (A.) to this Act annexed is such other Body Corporate,

or

or part thereof, then, instead of such Body Corporate, the Persons who on the preceding day shall have been the Mayor, Aldermen and Common Council, or other governing Officers of such Body Corporate, shall be Members of such other Body Corporate; and in other cases the Person or Persons who on such preceding day shall have been a Member or Members of such other Body Corporate shall continue to be a Member or Members thereof, notwithstanding he or they, or such of them as shall have been a Member or Members of a Body Corporate mentioned in the said Schedule (A.) to this Act annexed may have ceased to hold any office by virtue of which he or they were a Member or Members, or elected to be Member or Members thereof, and notwithstanding he or they, or such of them as shall be a Member or Members of any such last-mentioned Body Corporate, or Person or Persons elected as aforesaid would, by going out of office at any time after the said First day of January One thousand eight hundred and Thirty-seven or otherwise have ceased to be a Member or Members of such other Body Corporate if this Act had not passed: Provided always, That any vacancy which may happen among such Members of another Body Corporate before any other provision shall be made by Parliament shall be supplied in manner hereinafter mentioned; (that is to say) where such other Body Corporate shall have been constituted for any charitable purpose, or for supplying Water or Gas, or any other purpose producing profits, which or part of which are divided between shareholders or proprietors, or other persons for their own benefit, by an order of the Lord Chancellor of Ireland, or Lords Commissioners for the custody of the Great Seal for the time being, to be made upon petition in a summary way; and where such other Body Corporate shall have been constituted for any public or other purpose, and is not required to divide any profits among any Shareholders or Proprietors, or other Persons for their own benefit, by the Commissioners to be appointed by virtue of this Act, and upon every such vacancy the said Lord Chancellor or Lords Commissioners for the custody of the Great Seal, or the Commissioners to be appointed by virtue of this Act (as the case may be) shall appoint a fit Person to be a Member of such other Body Corporate to supply such vacancy.

And be it further Enacted, That on the said First day of January One thousand eight hundred and Thirty-seven, all the manors, advowsons, messuages, town halls, public and other buildings, lands, rents, hereditaments, leasehold estates, goods, chattels, money, debts, stocks, funds, securities, personal estate and effects, and all other property whatsoever and wheresoever, and of what nature or kind soever, of or to which any Body Corporate named in the said Schedule (A.) to this Act annexed, or any One or more of the members of such Body Corporate, in his or their corporate capacity, is or are or shall be seised or possessed or entitled for any estate or interest whatsoever (except property held in

XXIII.
Property of
the Corpora-
tions vested in
the Commis-
sioners.

trust for any charitable uses or trusts), and all the estate, right, title and interest of such Bodies Corporate, Member or Members, shall be and the same are hereby vested in the Commissioners to be appointed by virtue of this Act, subject to such mortgages, charges, debts and incumbrances, rents, contracts, covenants and conditions, as the same respectively shall then be subject or liable to.

XXIV.
*Debts and
Contracts of
Corporations
may be en-
forced by the
Commis-
sioners.*

And be it further Enacted, That every Person and Body Corporate who on the day preceding the said First day of January One thousand eight hundred and Thirty-seven shall owe any sum of money to any of the said Bodies Corporate named in the said Schedule (A.), shall pay the same, together with all interest (if any) due or to accrue due for the same to the Commissioners to be appointed by virtue of this Act, or their Treasurer; and all rents and sums of money which, on the said First day of January One thousand eight hundred and Thirty-seven, shall be due and payable, or then accruing due and payable, to any of the said Bodies Corporate, shall become and be due and payable to the said Commissioners, and shall and may be collected and recovered by the like ways and means and with the same penalties in respect thereof, and in like manner as the Bodies Corporate to whom the same respectively shall be due or payable might have collected and recovered the same respectively if this Act had not been passed; and all conveyances, contracts, agreements, bonds, covenants and securities made or entered into before the said First day of January One thousand eight hundred and Thirty-seven, to, with or in favour of any of the said Bodies Corporate, shall be good, valid and effectual in favour of the said Commissioners, and may be enforced in the same manner to all intents and purposes as any of the said Bodies Corporate might have enforced the same if this Act had not been made.

XXV.
*Property
vested in the
Commission-
ers to be sub-
ject to the
claims of
Creditors, &c.
of the Corpo-
rations.*

And be it further Enacted, That every Person and Body Corporate who on the day preceding the said First day of January One thousand eight hundred and Thirty-seven, shall claim to be entitled, or would thereafter, if this Act had not been passed, have become entitled to any sum of money owing from or payable by any of the said Bodies Corporate named in the said Schedule (A.), or shall claim any part of the property of any such Body Corporate, in respect of any mortgage, charge, conveyance, contract, agreement, bond, covenant or security, which shall have been made or entered into, to, with or in favour of him or them, by any of the said Bodies Corporate, before the First day of January One thousand eight hundred and Thirty-seven, shall and may recover or enforce the same as against the property of such Body Corporate respectively by this Act vested in the said Commissioners, by the same actions, suits, remedies or proceedings against the said Commissioners, and in the same manner as he or they respectively might have recovered or enforced the same against such Body Corporate respectively if this Act had not been made;

made ; but the costs of the said Commissioners in any such actions, suits, remedies or other proceedings, shall be raised and paid out of the property of such Body Corporate respectively hereby vested in them, in preference to any sum of money, costs, damages or expenses, claim or demand, in favour of any such Person or Body Corporate claiming as aforesaid.

And be it further Enacted, That it shall be lawful for the Lord Lieutenant to appoint such Persons as he may think fit, not being at any one time less than Five or more than Seven Persons, to be Commissioners to carry this Act into execution ; and also from time to time, at his discretion, to remove such Commissioners, or any of them ; and upon any vacancy by removal or death, or otherwise, if he shall think fit, but not otherwise, or without any vacancy, to appoint any other Person or Persons to the said office, and to diminish or increase the number of Commissioners ; but so that the Commissioners for the time being shall never consist of less than Five, or more than Seven.

XXVI.
Lord Lieutenant to appoint Commissioners to carry the Act into execution.

And be it further Enacted, That the Commissioners to be appointed as aforesaid shall for the purposes of this Act be a Body Corporate by the name of " The Commissioners of Corporate Property ;" and by that name shall and may have succession, and sue and be sued, and shall have a common seal, and have full power to purchase and hold lands, tenements and hereditaments for the purposes of this Act.

XXVII.
Commissioners to be called " The Commissioners of Corporate Property," and to be a Corporation for the purposes of this Act.

And be it further Enacted, That the said Commissioners shall meet and sit as a Board of Commissioners for carrying this Act into execution, at such place or places, and at such time or times as they shall think expedient, or as the Lord Lieutenant shall direct, and may adjourn from time to time as they may think proper ; but no business shall be transacted at any such Board unless Three Commissioners be present ; and at every such Board one of the Commissioners present shall be appointed Chairman, and all questions shall be determined by a majority of votes ; and in case of any equality of votes, the Chairman shall have a second or casting vote ; and every Commissioner shall have power to direct a Board to be summoned at any time, and for any purpose relating to the execution of this Act which he may think proper.

XXVIII.
Regulations of the Commissioners.

And be it Enacted, That the said Commissioners shall appoint, to be removable at their pleasure, a fit Person or Persons to be the Treasurer or Treasurers of the said Commissioners, and also shall and may appoint any fit Persons, being officers of the said Bodies Corporate named in the said Schedule (A.) to this Act annexed, or any other Person or Persons to be such Collectors or other officers, except such officers as are by this Act directed to be appointed by the Lord Lieutenant or other Person or Persons as they shall think necessary for enabling them to carry into execution the various powers and duties vested in

XXIX.
Power to Council to appoint Town Clerk, Treasurer and other Officers ; and to take Security for due discharge of their official Duties.

them by virtue of this Act, and may from time to time discontinue the appointment of such officers as shall appear to them unnecessary; and shall take such security for the due execution of his office by any such Treasurer, or other Officer, as the said Commissioners shall think proper; and shall order to be paid to the Treasurer and to every such other Officer to be employed as aforesaid, such Salary or Allowance as the said Commissioners shall think reasonable; and in case of a vacancy in any such office as aforesaid, by death, resignation, removal or otherwise, the said Commissioners may appoint another fit Person in the place of the Person so making such vacancy.

XXX.

Treasurer to pay no Money but by order of Council.

And be it Enacted, That no Treasurer of the said Commissioners shall pay any money on account of the said Commissioners, save only upon the order in writing of a Board of Commissioners, signed by Two or more of the Commissioners, and countersigned by their Clerk.

XXXI.

Receipts of the Treasurer to be effectual Discharges.

And be it further Enacted, That the receipt or receipts of any Treasurer of the said Commissioners for any purchase monies, rents or profits, or other sum or sums of money payable unto him by virtue of this Act, shall be a sufficient and effectual discharge, or sufficient and effectual discharges for the money in such receipt or receipts expressed, or acknowledged to be received; and the purchaser or purchasers to whom the same respectively shall be given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt or receipts expressed or acknowledged to be received.

XXXII.

Officers to account, &c. according to the Orders of the Council.

And be it Enacted, That every Treasurer, or other officer appointed by the Commissioners, shall at such times during the continuance of his office, or within Three calendar Months after the expiration of his office, and in such manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person as they shall authorize for that purpose, a true account in writing of all matters committed to his charge by virtue of this Act, or under colour of his office, and also of all monies which shall have been by him received by virtue or for the purposes of this Act, or under colour of his office, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper Vouchers for such payments, and also a List of the Names of all such Persons as shall not have paid the monies due from them for the purposes of this Act, and of the amount due from each of them; and every such Officer shall pay all such monies as shall remain due from him to the Treasurer for the time being, or to such Person as the said Commissioners shall authorize to receive the same; and if any such Officer shall refuse or wilfully neglect to deliver such Account, or the Vouchers relating to such Account, or such List as aforesaid, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said

Summary Remedy against Officers for not accounting, &c.

Council,

Council, or to such Person as they shall authorize, within Three Days after being thereunto required by notice in writing under the hands of any Two or more of the said Commissioners, to be given to or left at the last place of abode of such officer, all books, papers and writings in his custody or power relating to the execution of this Act, or to give satisfaction to the said Commissioners, or to such other Person as aforesaid respecting the same, then and in every such case, upon complaint made on behalf of the said Commissioners by such Person as they shall authorize for that purpose, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the County or other jurisdiction wherein such Officer so refusing or neglecting shall be or reside, such Justice is hereby authorized and required to issue a Warrant under his hand and seal for bringing such Officer before any Two Justices of the Peace for such county or jurisdiction; and upon the said Officer appearing or not being found, it shall be lawful for such Justices to hear and determine the matter in a summary way; and if it shall appear to such Justices that any monies remain due from such Officer, such Justices may and they are hereby authorized and required, upon non-payment thereof, by Warrant under their hands and seals, to cause such monies to be levied by distress and sale of the goods of such Officer; and if sufficient goods shall not be found to satisfy the said monies, and the charges of the distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver such account or the Vouchers relating thereto, or such List as aforesaid, or that any books, papers or writings relating to the execution of this Act remain in the hands or in the custody or power of such Officer, and that he has refused or wilfully neglected to deliver the same, or to give satisfaction respecting the same as aforesaid, then and in every such case such Justices shall and they are hereby required to commit such Offender to the Common Gaol or House of Correction for the County or Jurisdiction where such offender shall be or reside, there to remain without bail until he shall have paid such monies as aforesaid, or shall have compounded with the Commissioners for such monies, and shall have paid such composition in such manner as they shall appoint (which composition the said Commissioners are hereby empowered to make and receive), or until he shall have delivered a true account as aforesaid, together with such Vouchers and List as aforesaid, or until he shall have delivered up such books, papers and writings, or have given satisfaction in respect thereof to the said Commissioners, or to such other Person as aforesaid, as the case may be: Provided always, That no person so committed shall be detained in prison, for want of sufficient distress only, for a longer space of time than Three calendar Months: Provided also, That nothing in this Act contained shall prevent or abridge any remedy by action against any such Officer so offending as aforesaid, or against any surety for any such Officer, but such Officer shall not be sued by action, and also proceeded against in a summary manner by virtue of this Act for the same cause.

Proviso.

Remedy by
Action.

XXXIII.

Commissioners to ascertain and collect the Property and Revenues of Corporations.

And be it further Enacted, That the said Commissioners shall with all convenient speed ascertain and collect all the real and personal property belonging to every of the said Bodies Corporate named in the said Schedule (A.) to this Act annexed, and which shall become vested in the said Commissioners by virtue of this Act, and shall ascertain the revenue and income produced thereby, and all the charges and incumbrance upon, and the outgoings and debts payable in respect of the same.

XXXIV.

Commissioners empowered to bring and defend Actions and compromise and settle Accounts.

And be it further Enacted, That it shall be lawful for the said Commissioners to commence and prosecute any actions, suits or proceedings for collecting and recovering the property of the said Bodies Corporate respectively, and to discontinue or compromise any such action, suit or proceedings, and to allow any time which they may think proper for payment of any money due and owing to them in respect thereof, and also to pay any debt or sum of money claimed to be due from any of the said Bodies Corporate, and to be payable out of such property upon any evidence which they may think proper to admit, and to defend or compromise any action, suit or other proceeding which may be brought against them by virtue of this Act, and to adjust and settle any account or accounts depending between any of the said Bodies Corporate, and any Person or Persons or other Body Corporate or Bodies Corporate, and submit to arbitration any difference between any such Body Corporate or the said Commissioners and any other Person or Persons relating to the property of the said Bodies Corporate or any of them, and abide by and perform the award of any arbitrator or arbitrators respecting the same, and to do, perform and execute all such deeds and things as they the said Commissioners shall think expedient for ascertaining and collecting in the most advantageous manner the property vested in them by virtue of this Act, and settling all claims and demands relating thereto.

XXXV.

Commissioners to keep a separate account of the property of every Corporation, which shall be called the Town Fund of the Town.

And be it further Enacted, That the said Commissioners shall cause a separate account to be kept of the property belonging to every of the said Bodies Corporate named in the said Schedule (A.) to this Act annexed, and vested in the said Commissioners by virtue of this Act, and of all rents, profits, revenue, income and sums of money to be received in respect thereof, or produced therefrom, and of the application and appropriation thereof, and the property comprised in every such account shall be called the Town Fund of the town in which the Body Corporate to which it belonged has been constituted; and all sums of money received by the Treasurer of the said Commissioners in respect of the property comprised in every such account shall, when the same shall not be directed by the said Commissioners to be immediately applied to any other purpose, be paid into the Bank of Ireland, in the name of the Treasurer of the said Commissioners, to an account called the Account of the Town Fund of the town of which the same shall form part.

And

And be it further Enacted, That the said Commissioners shall cause the salaries of the Treasurer and other officers of the said Commissioners, and all other the expenses to be occasioned by carrying this Act into execution, or in anywise relating thereto, to be paid out of the several Town Funds, of which separate accounts shall be kept as aforesaid, in such manner and in such proportions as the said Commissioners shall think just and reasonable, and for that purpose the said Commissioners shall from time to time ascertain and determine whether any such expenses respectively are incurred in respect of any one or more of the said Town Funds respectively, or in respect of the general purposes of this Act, and shall, according to any such determination, order such expenses, or such proportion of any expenses as they shall think ought to be paid out of any Town Fund respectively, to be paid by the Treasurer for the time being out of the same.

XXXVI.
The different funds to contribute to the general expenses as the Commissioners shall direct.

And be it further Enacted, That in every case in which a Body Corporate, or any particular class, number or description of Members, or the Governing Body of any Body Corporate now is or are in their corporate capacity, and not as Charitable Trustees, according to the meaning and provisions of this Act, seised or possessed of any manors, lands, tenements or hereditaments, whereunto any advowson or right of nomination or presentation to any Benefice or Ecclesiastical Preferment is appendant or appurtenant, or of any advowson in gross, or hath or have any right or title to nominate or present to any Benefice or Ecclesiastical Preferment, the said Commissioners shall cause every such advowson, and every such right of nomination and presentation to be sold at such time and in such manner as the Ecclesiastical Commissioners for Ireland may direct, so that the best price may be obtained for the same; and the Commissioners to be appointed by virtue of this Act are hereby authorized and required, with the consent of the said Commissioners, or any Three or more of them, in writing under their hands, to convey and assure such advowson, or such right of nomination or presentation as aforesaid, to the Purchaser or Purchasers thereof respectively, his or their heirs, executors, administrators and assigns, or to such uses as he or they shall direct; and the proceeds of every such sale shall be paid to the Treasurer of the said Commissioners, and shall form part of the Town Fund of the town in which such Body Corporate is constituted: Provided always, That in any case of vacancy arising before any such sale shall have taken place and been completed, such vacancy shall be supplied by the presentation or nomination of the Bishop or Ordinary of the Diocese in which such Benefice or Ecclesiastical Preferment is situated.

XXXVII.
Sale of Advowsons, &c.

Provided always, and be it further Enacted, That the present Wardens of the Royal College or Collegiate Church of Galway shall continue to be such Warden, in the same manner as if the Body Corporate called

XXLVIII.
Warden and Vicars Choral of Galway, to be continued during their lives.

“ *The Mayor, Bailiff, Burgesses, and Commonalty of the Town of Galway,*” continued in force and elected such *Warden* once in every year, in such manner as such election is now required to be made, during his life, or until he shall resign or be legally removed from such wardenship ; and that the *Body Corporate*, called “ *The Warden and Vicars Choral of the College or Collegiate Church of Galway*” shall continue in force, unless and until the same shall be dissolved by the said *Ecclesiastical Commissioners*, in manner hereinafter mentioned ; and the *Vicars Choral of the said College or Collegiate Church* shall respectively continue to be such *Vicars Choral* during their respective lives, or until they respectively shall die or shall resign, or be removed from such benefices respectively, or the said *College* shall be dissolved in manner hereinafter mentioned ; and that any resignation made by the said present *Warden*, and *Vicars Choral*, or any of them, of their respective benefices, to the *Archbishop of Tuam* for the time being, shall be valid and effectual, and the said *Ecclesiastical Commissioners* shall and they are hereby authorized and empowered, if they shall think proper, by any instrument in writing under their corporate seal, with the consent of the *Lord Lieutenant* and of *His Majesty’s Privy Council in Ireland in Council assembled*, (Six at least consenting), and with the consent of the *Archbishop of Tuam*, to declare that the said *College and Collegiate Church of Galway* shall be dissolved upon the death, resignation or removal of the said present *Warden*, and that the *Vicarage of Galway*, the *Vicarage of Mary*, the *Rectories of Rows and Moccullen*, the *Rectory and Vicarage of Trowranmore*, the *Vicarage and Rectory of Rosscam*, the *Vicarages of Clare and Kilcouran*, the *Vicarages of Shrome*, in the diocese of *Armagh*, *Tuam*, and the *Vicarage of Skryen*, in the diocese of *Tuam*, which now belong to the said *College or Collegiate Church of Galway*, shall thereupon be divided into such separate and distinct benefices or parishes as they shall think proper ; and that the parcel of tithes in the said town of *Galway*, vulgarly called “ *The Bishop’s Quarter*,” and the churches or church-yards, and burial places, and other the revenues, tithes, profits and emoluments now belonging to the said *College or Collegiate Church of Galway* shall be divided among and united to the said distinct parishes or benefices respectively, as they shall direct ; and that such persons as shall be *Vicars Choral of the said College or Collegiate Church* at the time of such dissolution shall become the incumbents of such of the said distinct parishes and benefices respectively, as the said *Ecclesiastical Commissioners* shall thereby direct ; and if such dissolution shall be made as aforesaid, the said *College or Collegiate Church* shall be dissolved upon the death, resignation or removal of the said present *Warden* ; and the said *Vicarages and Rectories* shall thereupon become distinct benefices and parishes accordingly ; and each of the *Persons* who, at the time of such dissolution, shall be a *Vicar Choral of the said College or Collegiate Church*, and shall thereupon by virtue of this *Act*, and without any presentation, induction, institution or other ceremony,

mony, become rector or vicar of the distinct benefice or parish of which such Vicar Choral shall be directed as aforesaid to become the rector or vicar; and the advowson, right of presentation and nomination to the said offices of Warden and Vicars Choral of the said College or Collegiate Church of Galway, or in case the same shall be dissolved as aforesaid, the advowson, or right of nomination or presentation to each of the distinct benefices or parishes into which the Rectories and Vicarages aforesaid shall be divided, shall be sold by the Commissioners to be appointed by virtue of this Act, in like manner as any other advowson is hereby directed to be sold, and they are hereby empowered to make a valid grant and conveyance thereof to any purchaser or purchasers accordingly, and in case of the dissolution of the said College or Collegiate Church, all the ecclesiastical jurisdiction and powers belonging thereto or to the Warden thereof, shall be and are hereby vested in the Archbishop of Tuam for the time being.

And be it further Enacted, That the said Commissioners shall with all convenient speed pay or make due provision for payment, out of the Town Fund of any town, of the outgoings, rates and charges payable in respect of the property therein comprised, and of all charges and incumbrances payable thereout, and of all debts, annuities, pensions, allowances and sums of money payable by the Body Corporate to whom the property comprised in such Town Fund shall have belonged.

XXXIX.
Commissioners to pay debts due from Corporations.

And be it further Enacted, That it shall be lawful for the said Commissioners from time to time to demise or lease any such manors, messuages, lands or hereditaments, or any part or parts thereof, from year to year, or for any term or number of years, either with or without taking any fine or premium for the same, and on such other terms as the said Commissioners shall think expedient; and also to cause any repairs to be made to any buildings or premises which they may think expedient, and to insure any buildings from loss or damage by fire, and pay the expenses of such repairs and insurances out of the said Town Fund; and also cause to be invested in their names, or in the name of their Treasurer, any monies forming part of any such Town Fund, in any stocks, funds or securities, and alter and vary such stocks, funds and securities as they shall think proper, and in all other respects manage the property comprised in every or any such Town Fund, and invest or dispose of the same and all revenues thereof, in such manner as they shall think most advantageous.

XL.
Commissioners may lease and manage Revenues.

And be it further Enacted, That in the mean time, and until Parliament shall otherwise provide, the said Commissioners to be appointed by virtue of this Act shall, subject to the payment of any debt payable out of any Town Fund, or such part thereof as such Commissioners shall from time to time be required, or deem it expedient

XLI.
Salaries of Resorder, Town Clerk, Treasurer and other Officers, and Election Expenses, to be paid out of such Fund.

expedient to pay, and the interest thereof, or of so much thereof as shall for the time being remain unpaid, and all other charges and expenses to be paid thereout, as hereinbefore is mentioned, pay and apply the surplus income or revenue of every or any such Town Fund, in every Town which is a County of a City or County of a Town, in or towards the payment of the salary of the Recorder; and in every Town where there was, at the time of passing this Act, any Court of Conscience, in or towards the payment of the Salary of the Judge of the Court of Conscience, and the Salaries of Officers, and other expenses of such Court, or such of them as ought to be paid thereout; and the residue thereof (if any), or where there shall be no such Recorder, Court of Conscience, Salaries or other expenses, the whole of such surplus income and revenue shall be paid to the Commissioners appointed in such Towns respectively, by virtue of the said Act of the ninth year of the reign of his said late Majesty, in aid or diminution of the rates to be received by them, or to any Local Board or Boards of Commissioners or Trustees in such Town, appointed or to be appointed under any local Act or Acts of Parliament, in such manner and in such proportions as the said Commissioners to be appointed by virtue of this Act, with the consent of the Lord Lieutenant, shall think proper; and in case the surplus income of the Town Fund of any Town, shall be more than sufficient for the purposes aforesaid, the residue thereof, or in cases where there shall be no such Commissioners or such Board as aforesaid, the whole of such surplus income and revenue, shall be applied by the said Commissioners, under the direction of the Lord Lieutenant, for the public benefit of the inhabitants of such Town respectively.

XLII.

Commissioners to make Reports to the Lord Lieutenant.

And be it further Enacted, That the said Commissioners shall with all convenient speed, and within Two Years next after the passing of this Act, make a report or reports in writing to the said Lord Lieutenant, and thereby state the nature and amount of the property belonging to every of the said Bodies Corporate named in the said Schedule (A.) to this Act annexed, and which shall become vested in the said Commissioners by virtue of this Act, and from the Town Fund of the town in which such Body Corporate respectively has been constituted, and also the particulars and amount of the incumbrances and debts and outgoings charged upon and payable out of the same, and the means by which such incumbrances and debts can be paid or satisfied in the most advantageous manner; and also any leases which they shall have made, or shall think proper to make of any part of any such Town Fund, and the manner in which any monies produced therefrom, or received from the revenue or income thereof shall have been or shall be proposed to be expended or applied, and also the probable amount of the value of such Town Funds respectively, and of the income thereof, after all the incumbrances and debts payable thereout shall have been discharged or satisfied.

And

And be it further Enacted, That the said Commissioners, with the consent of the said Lord Lieutenant (testified by some writing under his hand), shall, out of the monies forming part of any Town Fund, purchase such annuities, leases or other interests charged upon or existing in any property forming part of such Town Fund as they shall think it advantageous to purchase; and that the said Commissioners shall and they are hereby empowered, with the consent of the Lord Lieutenant, to be signified by some writing under his hand, to abolish any Tolls forming part of any Town Fund, after full payment or satisfaction of all debts and charges upon the said Tolls, or to which they may be liable, which it may be thought desirable to abolish, and also to purchase any Tolls which it may be thought desirable to purchase in order that the same may be abolished, and after the conveyance thereof to them to abolish the same; and the said Commissioners shall cause notice to be given of the abolition of all such Tolls as shall be abolished as aforesaid, by advertisement in the Dublin Gazette, and also in one or more newspaper or newspapers usually circulated in the town in which such Tolls respectively shall be payable.

XLIII.
Commis-
sioners may
purchase out-
standing
Charges,
Leases, &c.

Commis-
sioners may
abolish Tolls.

And be it further Enacted, That it shall be lawful for the said Commissioners, with the consent of the said Lord Lieutenant (testified by some writing under his hand), to appropriate and settle any Town Hall, Police Office or other public Building in any town forming part of the Town Fund of such town respectively, for the purposes of a Court for the holding of Quarter Sessions, or a Court of Record for civil actions, or a Court of Conscience or Police Station; and for that purpose to convey the same to any Commissioners or Trustees, upon such trusts, with such powers of appointing new Trustees and other powers, and in such manner as the said Commissioners shall think proper.

XLIV.
Commis-
sioners may
appropriate
public Build-
ings to public
purposes for
the benefit of
the Towns.

And be it Enacted, That it shall be lawful for the said Commissioners, with the consent of the Lord Lieutenant, to remove from the performance of the duties which, notwithstanding his office shall have ceased he shall continue to perform in pursuance of this Act, every Person who shall on the day preceding the First day of January, be a Town Clerk, Bailiff, Treasurer or Chamberlain, or other ministerial or executive officer of any Borough and Body Corporate, named in the said Schedule (A.) to this Act annexed, and every such Person or Officer who shall be in possession or receipt of any monies, goods, valuable securities, books or papers, belonging to or concerning the Body Corporate, whose officer he is, shall deliver up and account for the same to the Commissioners to be appointed by virtue of this Act; and in case he shall refuse or wilfully neglect to deliver such Accounts, Vouchers and Lists, or to make such payments, or to deliver such Books, Papers and Writings, or to give satisfaction respecting the same, as is hereinbefore provided in the case of Officers appointed by such Commissioners, every such Person or Officer may be proceeded against, and shall be subject and liable to the

XLV.
Commissioners
may remove
Officers.

several provisions hereinbefore contained in cases of Officers appointed by such Commissioners.

XLVI.

Officers to receive Compensation on removal.

And be it Enacted, That the said Commissioners shall take into consideration and determine upon the amount and nature of compensation which they shall think ought to be given to any Member of any Body Corporate, or Officer or Person, whose office shall be abolished, or who shall be removed from his office or deprived of fees and emoluments to which he would have been entitled if this Act had not been passed, and as soon as they shall have determined upon the amount or nature of the compensation to be given in any such case, they shall cause notice in writing to be given to such Officer or Person; and in case the claim of such Officer or Person shall be admitted in part and disallowed in part, such notice shall specify the particulars in which the same shall have been admitted and disallowed respectively; and in case the Officer or Person preferring such claim shall think himself aggrieved by the determination of the Commissioners thereon, it shall be lawful for the Officer or Person preferring such claim, to appeal to the Lords Commissioners of His Majesty's Treasury, who shall thereupon make such order as to them shall seem just; and such order, signed by Three or more of such Lords Commissioners, shall be binding on all parties: Provided also, That the Officer or Person preferring such claim, if any Commissioners shall so require, upon receiving notice in writing shall from time to time attend at any meeting or adjourned meeting of the Commissioners for the investigation of such claim, and then and there, upon his oath or solemn affirmation, or his declaration to be taken or made before the said Commissioners, (any one of whom is hereby authorized to administer the same), shall answer all such questions as shall be asked by any Commissioner touching the matters set forth in the statement subscribed by such Person as aforesaid, and produce all books, papers and writings in his possession, custody or power relating thereto: Provided also, That every such Officer or Person, who shall be continued in or re-appointed to such office under the provisions of this Act, and who shall be subsequently removed from such office for any cause other than such misconduct as would warrant removal from any office held during good behaviour, shall be entitled to compensation in like manner as if he had been forthwith removed under the provisions of this Act, and had not been continued in or re-appointed to such office.

XLVII.

Compensation to be secured by Certificate.

And be it Enacted, That the amount of the sum or annuity payable to any Person as such compensation as aforesaid, if not forthwith paid, shall be secured to such Person by a certificate or certificates in writing under the Seal of the Commissioners, stating that the Town Fund of the town in which such Person shall be or have been in office, is liable to the payment to such Person, his executors or administrators or assigns, of the amount of such sum, with interest, and all arrears thereof (if any) accrued

accrued due before the date of such certificate respectively ; and every such certificate shall be prepared and executed at the expense of the Town Fund and delivered to the Person entitled to such compensation as soon as conveniently may be after the amount thereof shall have been determined as aforesaid by the said Commissioners or shall have been determined, in the event of such appeal as aforesaid, by order of the said Lords Commissioners.

And be it Enacted, That when any Person shall be entitled to any Pension, Allowance, stipend or sum of money payable out of any Town Fund, which shall be sufficient for payment thereof, the said Commissioners shall give a certificate under their common seal to such Person that such Town Fund is liable to the payment to such Person, his executors and administrators of such Pension, Allowance, stipend or sum of money, with all arrears thereof, if any accrued due before the date of such certificate ; and such certificate shall be prepared and executed at the expense of the Town Fund.

XLVIII.
Certificates to
be given to
Persons en-
titled to Pen-
sions, &c.

And be it further Enacted, That the Commissioners to be appointed by virtue of this Act, shall, in books to be kept for that purpose, enter true accounts of all sums of money received and paid on account of every or any such Town Fund respectively, and in the month of January in every year, the said Commissioners shall cause to be made out in writing, and to be printed, a full Abstract of the Accounts relating to every such Town Fund respectively, for the year, and a copy thereof shall be deposited with such Person resident in such Town as the Commissioners shall appoint, and shall be open to the inspection of all the Inhabitants of such Town, and copies thereof shall be delivered to all Inhabitants of such Town applying for the same, on payment of One Shilling for each copy.

XLIX.
Accounts of
Receipts and
Disbursements
to be kept
audited and
published.

And be it further Enacted, That the Commissioners to be appointed by virtue of this Act shall cause all their proceedings to be entered in writing in a book or books, which shall be submitted to the Lord Lieutenant as often as he shall require the same.

L.
Proceedings
of Commis-
sioners to be
recorded and
submitted to
Lord Lieute-
nant.

And be it further Enacted, That the said Commissioners to be appointed by virtue of this Act shall from time to time, at such times as the said Lord Lieutenant shall direct, give to the said Lord Lieutenant requiring the same such information respecting their proceedings or any part thereof as the said Lord Lieutenant shall require.

LI.
Commission-
ers to report
proceedings to
Lord Lieu-
tenant when
required.

And be it Enacted, That the said Commissioners to be appointed by virtue of this Act shall before the First day of March in each year transmit to the Lord Lieutenant a general Report of their proceedings within the year preceding, which Report shall be prepared in such form and

LII.
Commis-
sioners to
make a Gene-
ral Report to
Lord Lieu-
tenant, to be
laid before
Parliament.

manner as the Lord Lieutenant shall direct, and such Report shall refer to the year ended upon the First of January of the year in which such Report is hereby required to be so transmitted, and such Report, or an Abstract thereof, shall be laid before both Houses of Parliament during their sitting in the same year in which the Report shall be transmitted as aforesaid.

LIII.
Sheriffs of
City and
County of
Londonderry
to continue
until new
Sheriff is ap-
pointed.

And be it Enacted, That the Persons who at present fill the office of Sheriffs of the said City and County of Londonderry, or the survivor of them, shall be and remain the Sheriffs or Sheriff of the said City and County of Londonderry, and shall fulfil and execute the duties of the said office, until the Sheriff of the said City and County to be appointed as hereinafter is mentioned shall come into office, and no longer.

LIV.
Sheriffs of
Londonderry
and of Cities
and Towns
which are
Counties, to
be appointed
by the Crown.

And be it Enacted, That after the passing of this Act a Sheriff of the City and County of Londonderry, and also a Sheriff of each of the Counties of the Cities of Cork, Dublin, Kilkenny, Limerick and Waterford, and of each of the Counties of the Towns of Carrickfergus, Drogheda and Galway, shall be nominated and appointed by His Majesty, His heirs and successors, at the same time or times and in the same manner to all intents and purposes as the Sheriff of any County at large in Ireland is nominated and appointed and comes into office.

LV.
Sheriffs to
exercise the
same powers
in Towns
within the Act,
as in other
parts of their
Counties.

And be it further Enacted, That after the Thirty-first day of December next, all such duties and powers now performed and exercised by any Bailiff, Provoost or Portreeve in any Town named in the said Schedule (A.) to this Act annexed, and which are performed and exercised by Sheriffs in other places, shall be performed and exercised in every such Town respectively by the Sheriff of the county in which such Town is situated.

LVI.
Sheriffs to be
the Returning
Officer under
the Reform
Act.

And be it further Enacted, That after the said Thirty-first day of December next, the Returning Officer at all Elections of a Member or Members of Parliament for any Town or Borough in which any Body Corporate named in the said Schedule (A.) to this Act annexed hath been constituted, shall be the Sheriff of the County in which such Town or Borough is situated, or his Deputy.

LVII.
Coroner and
Clerk of the
Peace of Lon-
donderry to
continue in
office, and in
future to be
elected as in
Counties.

And be it further Enacted, That the Persons who at present fill the offices of Coroner and Clerk of the Peace of the said City and County of Londonderry shall be and remain the Coroner and Clerk of the Peace of the City and County of Londonderry so long as they respectively shall well behave themselves in such offices; and whenever such offices respectively shall become vacant, Persons shall be elected to such offices respectively in the same manner as Persons are elected to the offices of
Coroner

Coroner and Clerk of the Peace respectively of any other County at large in Ireland.

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And be it Enacted, That after the passing of this Act, upon every vacancy in the office of Coroner of any County of a City or County of a Town, occasioned by death, resignation, removal or otherwise, the Lord Lieutenant shall, within Ten Days next after such vacancy, appoint a fit Person to be Coroner of such County of a City or County of a Town (as the case may be), so long as he shall well behave himself in his office of Coroner, and whenever there shall be no Coroner appointed and acting under this Act, the Coroner of the adjoining Counties, or any of them, shall take any inquisition which could be taken by a Coroner appointed under this Act, and have all the powers and authorities of such Coroner: Provided always, That every Coroner of a County of a City, or County of a Town, appointed under this Act, shall be entitled to be paid for the inquisition which he shall duly take, in the manner in which the payments to be made to Coroners of Counties are now provided for by law, and not otherwise: Provided always, That no person shall be appointed Coroner as aforesaid, who shall not be seised or possessed of such an estate in some part of Ireland as would qualify him to serve as a Coroner for a County according to the Acts now in force in Ireland in relation to the office of Coroner; and every such Person shall, before he acts as such Coroner, take and subscribe all oaths now required to be taken by a Coroner in Ireland: Provided also, That every Coroner to be appointed under this Act, shall be liable to be removed by the Court of Chancery in Ireland, in the same manner as any Coroner in Ireland may now be removed by that Court: Provided always, That every Coroner of every County of a City and County of a Town in Ireland, shall continue to hold the office of Coroner of such County of a City or County of a Town respectively, and execute all duties heretofore belonging to his office, in the same manner as if this Act had not been made, until he shall have been removed from his office.

LVIII.
In certain
Boroughs,
Council to
appoint a
Coroner.

And be it further Enacted, That on or before the Tenth day of January in every year after the passing of this Act, every Coroner appointed under this Act, shall make and transmit to the Lord Lieutenant of Ireland a return, in writing, according to such form as the said Lord Lieutenant from time to time shall direct, of all the cases in which he may have been called upon to hold an Inquest touching the cause of death of any Person during the year ending on the Thirty-first day of December immediately preceding, and a copy of the finding of the Jury on every such Inquest.

LIX.
Coroners to
make Returns
to Lord Lieu-
tenant.

And be it Enacted, That in every Town named in the said Schedule (A.) to this Act, not being a County of a City or County of a Town

LX.
County Coro-
ners to act in
other Towns.

Town, no Person after the Thirty-first day of December in this present year shall take any Inquisition which belongs to the office of Coroner within such Town, save only the Coroner for the County at large in which such Town is situated.

LXI.

*Clerks of
Markets and
Weighmasters,
on vacancies,
to be appointed
by the Lord
Lieutenant.*

And be it further Enacted, That where any Person or Persons being a Member or Members of a Borough Corporate named in the said Schedule (A.) to this Act annexed, and entitled in his or their corporate capacity to any office of Clerk of a Market or Weighmaster, or Weighmaster of Butter or Taster of Butter, or Assay Master, shall continue in such office after the First day of January One thousand eight hundred and Thirty-seven, and shall afterwards be removed therefrom by the Commissioners to be appointed by virtue of this Act, or such office shall cease by the expiration of the time for which it would have been held if this Act had not been passed, or any Person appointed or elected to any such office by any Body Corporate, or any Member or Members thereof, shall die or resign or be removed from such office, or whenever in any other manner any vacancy shall at any time or times happen in any such Office, being now held by any Member or Members of any such Body Corporate, or any Person appointed or elected by any such Body Corporate, or any Member or Members thereof, the Lord Lieutenant shall appoint a fit Person to such Office, and the Person so appointed shall hold such Office, and exercise and perform all the powers and duties belonging thereto in the same manner as the Person or Persons now holding the said Office.

LXII.

*Commission
of Justices of
Peace to be
granted to
Towns which
are Counties.*

And be it Enacted, That it shall be lawful for His Majesty, from time to time, to assign to so many Persons as he shall think proper, His Majesty's Commission, to act as Justices of the Peace in and for every County of a City and County of a Town, and in and for the City and Liberties of Londonderry.

LXIII.

*Divisional
Justices for
Dublin to be
appointed by
Lord Lieu-
tenant.*

And be it Enacted, That all the Divisional Justices within the Police District of Dublin Metropolis, who may now be appointed by the Assembly of the Corporation of the said City, pursuant to the provisions of an Act made in the fifth year of the reign of his late Majesty King George the Fourth, intituled, "An Act to amend an Act of the Forty-eighth year of the reign of his late Majesty, for the more effectual administration of the office of a Justice of the Peace, and for more effectual prevention of Felonies within the District of Dublin Metropolis," shall hereafter be appointed by the Lord Lieutenant, and it shall not any longer be requisite that any of the said Divisional Justices shall be an Alderman of the City of Dublin, or a Sheriff's Peer, or Member of the Common Council of the said City.

And

And be it *further* Enacted, That ⁽¹⁾ a separate Court of Quarter Sessions of the Peace, ⁽²⁾ shall ⁽³⁾ continue ⁽⁴⁾ and be holden in ⁽⁵⁾ every Town in Ireland, ⁽⁶⁾ being a County of a City or County of a Town, and in the City and Liberties of Londonderry.

LXIV.
*Separate
Quarter Ses-
sions to be
held in Coun-
ties of Cities
and Counties
of Towns. (1)*

And

(1) Recorder to
be appointed
by His Ma-
jesty in certain
Boroughs.

⁽¹⁾ the Council of every Borough which shall be desirous that

⁽²⁾ or a Court of Record for the trial of Civil Actions,

⁽³⁾ be or ⁽⁴⁾ to

⁽⁵⁾ and for such Borough, shall signify the same by Petition to the Lord Lieutenant and Privy Council

⁽⁶⁾ setting forth the grounds of the application, and the salary which they are willing to pay to the Recorder in that behalf; and it shall be lawful for His Majesty, if he shall be pleased thereupon to grant that a separate Court of Quarter Sessions of the Peace, or a Court of Record for the trial of Civil Actions, shall thenceforward be holden in and for such Borough, the Lord Lieutenant may appoint for such Borough, or for any Two or more of such Boroughs jointly, a fit Person, being a Barrister-at-Law of not less than Six Years' standing, who shall be and be called the Recorder of such Borough or Boroughs, and shall hold such office during his good behaviour; and the Lord Lieutenant, upon any vacancy in any such office, may appoint another fit Person, being a Barrister-at-Law of not less than Six Years' standing, to be the Recorder in the place of the Person so making such vacancy; and the Council of every such Borough shall appoint a fit Person to be Clerk of the Peace during good behaviour; and the Recorder for the time being of any Borough shall be a Justice of the Peace of and for such Borough, although he may not have such qualification by estate as is required by law in the case of any other Person being a Justice of the Peace for a County; and such Recorder shall have precedence in all places within the Borough of which he may be the Recorder next after the Mayor thereof; and it shall be lawful for the said Lord Lieutenant to direct that an annual salary, not exceeding the sum stated in the petition of the Council, shall be paid to such Recorder by the Treasurer of such Borough out of the Borough Fund: Provided always, That no Person being such Recorder as aforesaid shall be eligible to serve in Parliament for such Borough, nor shall he be an Alderman, Councillor or Police Magistrate of such Borough: Provided nevertheless, That nothing in this Act contained shall be construed to disqualify any such Recorder from being eligible to sit in Parliament otherwise than is herein provided: Provided also, That in every Borough in and for which a separate Court of Sessions of the Peace or a Court of Record for the Trial of Civil Actions is now holden, and of which the present Recorder or Deputy Recorder is a Bar-

LXV.
Recorder to be
appointed by
Lord Lieu-
tenant, in
Towns which
are Counties.

And be it Enacted, That in every such County of a City and County of a Town, and in the City and Liberties of Londonderry, of which the present Recorder or Deputy Recorder is a Barrister of Six Years' standing, such Recorder or Deputy Recorder being qualified as aforesaid, or such of them as shall be acting in the performance of the duties of such office at the time of the passing of this Act, shall be continued or appointed Recorder of such County, or of such City and Liberties, under the provisions of this Act, and shall be paid out of the Town Fund, for or towards his salary, an annual sum of the same amount as the salary or part thereof now payable to him by the Body Corporate; and in case there shall be no salary now payable to him, or that such salary shall be insufficient, then such annual sum as the Lord Lieutenant shall appoint, not exceeding the sum herein after mentioned; and that for every such County of a City and County of a Town where there is no such Recorder or Deputy Recorder the Lord Lieutenant may appoint a fit Person, being a Barrister-at-Law of not less than Six Years' standing, to be and who shall be called the Recorder of such County, and shall hold such office during his good behaviour; and the Lord Lieutenant, upon any vacancy in any such office of Recorder, whether a Recorder shall have been continued in or appointed to such office by virtue of this Act, may appoint another fit Person, being a Barrister-at-Law of not less than Six Years' standing, to be the Recorder in the place of the Person so making such vacancy; and the Recorder for the time being of any County of a City or County of a Town, or of the said City and Liberties, shall be a Justice of the Peace of and for such County or such Cities and Liberties, although he may not have such qualification by estates as is required by law in the case of any other Person being a Justice of the Peace for a County; and it shall be lawful for the said Lord Lieutenant to direct that an annual salary, not exceeding the sum of Pounds shall be paid to every Recorder to be appointed as aforesaid by the Treasurer of the Town Fund of such Town, out of such Fund: Provided always, That no Person

Recorder to be
a Justice of the
Peace for the
Borough.

rister of Six Years' standing, except the Borough of Londonderry, such Recorder or Deputy Recorder, being qualified as aforesaid, shall be continued or appointed a Recorder under the provisions of this Act, and shall be paid out of the Borough Fund the Salary now payable to him by the Corporate Body: Provided also, That in case of sickness or unavoidable absence, the Recorder of any Borough shall be empowered, with the consent of the Lord Lieutenant of Ireland, to appoint a Deputy Recorder, being a Barrister of Six Years' standing, to act for him at the Sessions of the Peace then next ensuing, and in such Court of Record for any time not exceeding Three calendar Months, and no longer or otherwise.

Person being such Recorder as aforesaid shall be eligible to serve in Parliament for the County of a City or County of a Town of which he shall be such Recorder, but shall not be disqualified by such office from being eligible to sit in Parliament otherwise than is herein provided; and no such Recorder shall be a Police Magistrate of such Town: Provided also, That in case of sickness or unavoidable absence, any such Recorder shall be empowered, with the consent of the Lord Lieutenant of Ireland, to appoint a Deputy Recorder, being a Barrister of Six Years' standing, to act for him at the Sessions of the Peace then next ensuing, and in such Court of Record, for any time not exceeding Three calendar Months; and no longer or otherwise.

Not to be
Councillor or
Police Ma-
gistrate.

Provided nevertheless, and be it Enacted, That no Recorder ⁽¹⁾ appointed as aforesaid ⁽²⁾ shall be capable of acting as such Recorder ⁽³⁾ until he shall have taken the Oaths provided to be taken by Justices of the Peace, except any Oath as to qualification by estate, and until he shall have made ⁽⁴⁾ before any Two or more of the ⁽⁵⁾ Justices of the Peace of such ⁽⁶⁾ County of a City or County of a Town, or any adjoining County (who ⁽⁷⁾ are hereby authorized and required to administer the same), a Declaration in the following form; (that is to say):

LXVI.
Recorder ⁽¹⁾ to
make Decla-
ration before
acting.

⁽¹⁾ Justices

"I, A. B., do hereby declare, That I will faithfully and impartially execute the office of Recorder ⁽⁸⁾ for the ⁽⁹⁾ City, County of the City, or County of the Town of or City and Liberties of (as the case may be), according to the best of my judgment and ability."

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And be it further Enacted, That in every County of a City and County of a Town, or in the City and Liberties of Londonderry, where there is at present a Clerk of the Crown or Clerk of the Peace, such Person shall continue in such office respectively, under the provisions of this Act; and in every County of a City and County of a Town, or in the said City and Liberties in which there shall be no such Clerk of the Crown or no such Clerk of the Peace, the Lord Lieutenant shall appoint a fit Person to be Clerk of the Crown or Clerk of the Peace (as the case may be) during good behaviour; and upon any vacancy in the said offices, or either of them, the Lord Lieutenant shall appoint a fit Person to supply the same; and the Recorder

LXVII.
Lord Lieu-
tenant to ap-
point Clerk
of the Crown.

⁽¹⁾ or Person assigned

⁽²⁾ to keep the peace within any such Borough

⁽³⁾ or Justice of the Peace within any such Borough

⁽⁴⁾ before the Mayor, or ⁽⁵⁾ Aldermen or Councillors

⁽⁶⁾ Borough ⁽⁷⁾ is and

⁽⁸⁾ [or, Justice of the Peace] ⁽⁹⁾ Borough of

Recorder of such County of a City or County of a Town, or of the said City and Liberties, shall appoint such other officers and servants, as shall be necessary for carrying on the business and executing the process of the Court of Sessions.

LXVIII.
Sessions of
the Peace to
be held for
the Borough.
Recorder to
be Chief
Judge.

And be it Enacted, That the Recorder of every ⁽¹⁾ *County of a City or County of a Town, or of the said City and Liberties*, shall hold ⁽²⁾ at such ⁽³⁾ times as has been usual or more frequently the said Recorder ⁽⁴⁾ shall think fit, ⁽⁵⁾ a Court of Sessions of the Peace in and for such ⁽⁶⁾ *County of a City or County of a Town, or for the said City and Liberties* of which Court ⁽⁷⁾ such Recorder ⁽⁸⁾ shall sit as the sole Judge; and such Court of Sessions of the Peace shall be a Court of Record, and shall have cognizance of all crimes, offences and matters whatsoever committed within such ⁽⁹⁾ *County of a City or County of a Town, or the said City and Liberties*, cognizable by any Courts of Quarter Sessions of the Peace for Counties at large in Ireland; and ⁽¹⁰⁾ such Recorder shall have power to do all things necessary for exercising such jurisdiction as fully as any such last-mentioned Court, notwithstanding his being such sole Judge; but no such Recorder shall have by virtue thereof any power to ⁽¹¹⁾ grant any license or authority to any Person to keep an inn, ale-house or victualling-house, or to sell excisable liquor by retail ⁽¹²⁾.

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LXIX.
Presentments
to be made in
Court of
King's Bench.

Provided always, and be it further Enacted, That all Presentments for the raising of any Money which may now be made at the Quarter Sessions in the City of Dublin, shall be ⁽¹³⁾ *hereafter* made by the Grand Jury of the said City impannelled in the Court of King's Bench in Michaelmas and Easter Terms in each year, or one of them.

LXX.
Clerk of the
Peace ⁽¹⁾
in the absence
of the Re-
corder, may
open and
adjourn the
Court.

And be it Enacted, That in the absence of the Recorder and Deputy Recorder, the ⁽¹⁴⁾ *Clerk of the Peace, or other Person discharging*

⁽¹⁾ Mayor,

⁽¹⁾ Borough to which such separate Court of Sessions of the Peace shall be granted as aforesaid.

⁽²⁾ once in every month, or ⁽³⁾ other and more frequent.

⁽⁴⁾ in his discretion may

⁽⁵⁾ or as the Lord Lieutenant shall think fit to direct

⁽⁶⁾ Borough ⁽⁷⁾ the ⁽⁸⁾ of such Borough

⁽⁹⁾ Borough. ⁽¹⁰⁾ said.

⁽¹¹⁾ make or levy or make any rate, or to

⁽¹²⁾ or exercise any of the powers herein specially vested in the Council of such Borough ⁽¹³⁾ hereinafter

⁽¹⁴⁾ Mayor shall be authorized and required

ing the duties of such office, at the proper times appointed for the holding of such Court of Sessions of the Peace in and for such ⁽¹⁾ Town, and the Registrar of the Court of Record for the trial of civil actions at the proper time for the holding of such Court of Record, shall be and they are hereby respectively authorized and required to open the said respective ⁽²⁾ Courts, and to adjourn over the holding of the same, and to respite all recognizances conditioned for appearing at the same, until such further day as such ⁽³⁾ Clerk of the Peace or Registrar then and there, and so from time to time, shall cause to be proclaimed: Provided nevertheless, That nothing in this Act contained shall authorize or require any such ⁽⁴⁾ Clerk of the Peace or Registrar to sit as a Judge of the said Court for the trial of offenders, or other Court of Record as aforesaid, or to do any other act in the character of a Judge of such Court respectively, save only in opening and adjourning ⁽⁵⁾ such Court, and respiting the said recognizances in manner aforesaid.

And be it Enacted, That after the First day of January One thousand eight hundred and Thirty-seven, all powers and jurisdictions to try Treasons, Capital Felonies, and all other Criminal Jurisdictions whatsoever, granted or confirmed by any law, statute, letters patent, grant or charter whatsoever to any Mayor, Bailiff, Alderman, Recorder or other corporate or chartered Officer, or corporate or chartered Justice of the Peace whomsoever, in any Borough, named in the said Schedule (A.) to this Act annexed, and all right of any Body Corporate in any Borough, or any of the Members thereof, by virtue of any law, statute, letters patent, grant or charter whatsoever, to elect or nominate any Justices to keep the peace in or for any such Borough, or by any Members of any such Corporate Body to act as such Justices of the Peace in or for any of the last-named Boroughs, other than is herein declared, shall cease: Provided nevertheless, That nothing in this Act contained shall be construed to restrain or prevent the holding of any Court of Gaol Delivery or General or Quarter Sessions of the Peace in and for any Borough for which such Court may now be holden, until the said First day of January, but every such Court may be holden in like manner and with the same powers until the said First day of January, as if this Act had not been passed.

LXXI.
Capital Juris-
dictions and
all other
Criminal
Jurisdictions
in Boroughs
other than
are specified
in this Act,
abolished.

And be it Enacted, That from and after the passing of this Act, so much of all laws, statutes and usages, and so much of all royal and

LXXII.
Chartered
Admiralty
Jurisdictions
abolished.

(¹) Borough

(²) Court

(³) Mayor

(⁴) Mayor

(⁵) the said

and other charters, grants and letters patent heretofore granted to any Borough or Body Corporate, *named in the said Schedule (A.) to this Act annexed*, whereby such Borough or any place within the precincts or liberties of the same, or such Body Corporate, or the freemen or inhabitants of the same, claims or claim to be exempted and released from the jurisdiction and office of the Lord High Admiral of England, or of the High Court of the Admiralty of England or Ireland, or whereby any Body Corporate, or any Mayor, Bailiff, Recorder, Steward or other chartered or corporate Officer of any Borough has or claims any thing belonging to the office of Admiral, whether or not to be exercised by virtue of any commission to them 139 or any of them to be directed, shall be and the same is hereby Repealed.

LXXIII.

Saving the Rights of the Governor and Assistants of London of new Plantation in Ulster.

Provided always, and be it further Enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter or take away any of the rights, privileges, powers or authorities vested in or enjoyed by the Society of the Governor and Assistants of London, of the new plantation in Ulster, within the realm of Ireland, under or by virtue of any Charter or Charters heretofore granted to them by the Crown.

LXXIV.

Offenders committed to Borough Sessions whose Jurisdiction is taken away, to be tried in the adjoining County.

And be it Enacted, That after the said First day of January, every Person who shall then stand committed to take his trial at any Court of Gaol Delivery, General or Quarter Sessions of the Peace for any Borough, charged with any offence which the Recorder of such Borough ⁽¹⁾ *Town named in the said Schedule (A.) to this Act annexed, not being a County of a City or County of a Town, except the City and Liberties of Londonderry*, may be lawfully removed and committed to the Gaol or House of Correction of the County in which ⁽²⁾ such ⁽³⁾ *Town* is situated, there to remain and take his trial at 140 the next Court of Quarter Sessions for such County, if the offence is cognizable by a Court of Quarter Sessions, and if not, then before the Judges of Oyer and Terminer and Gaol Delivery at their next circuit; and all Persons bound by recognizance to prosecute and give evidence against such Offenders shall be bound to appear to prosecute and give their evidence at the Court at which such Offenders shall be tried as aforesaid; and all such recognizances and all depositions relating to such charges shall be transmitted to the proper Officer of the Court where such Offenders shall be tried; and the Sheriff, Under Sheriff, Gaolers and other Officers of the County

(¹) after the said First day of January, will not have the jurisdiction to try, (²) or adjoining to which (³) Borough

7/5

County in which such Offenders shall be so tried, are hereby authorized and required, in every such case, to receive every Prisoner so committed to their custody, and him safely to keep until delivered by due course of law; and the Judges of Assize and others named in His Majesty's Commissions of Oyer and Terminer and Gaol Delivery, or the Justices for the County, as the case may be, in which
 141 such Offenders shall be tried, are hereby authorized and required to hear and determine all such cases, and to order the payment of the usual and fit expenses of the Prosecutors and Witnesses, and all other costs and expenses, which in like case may be directed to be paid by order of the Court.

And be it Enacted, That after the First day of Jaunrry *One thousand eight hundred and Thirty-seven*, the Justices assigned, or hereafter to be assigned, to keep the peace in and for the County in which any ⁽¹⁾ *Town, in and for which a separate Court of Quarter Sessions of the Peace shall not be holden*, is situated, ⁽²⁾ shall exercise the jurisdiction of Justices of the Peace in and for such ⁽³⁾ *Town* as fully as by law they and each of them can or ought to do in and for the said County. ⁽⁴⁾

LXXV.
County Justices to have Jurisdiction in all ⁽¹⁾ *Towns within the County.*

⁽¹⁾ Boroughs which have not a separate Court of Sessions of the Peace.

And be it Enacted, That in every ⁽⁵⁾ *County of a City and County of a Town, and in the City and Liberties of Londonderry*, there shall ⁽⁶⁾ continue to be holden ⁽⁷⁾ *the Court of Record for the trial of Civil Actions, (if any) which is now holden therein, and the same shall be called the Court of Record of the City or Town within which the same shall be holden*, and the Recorder of ⁽⁸⁾ *such County of a City or County of a Town, or of the said City and Liberties* shall be the sole Judge

LXXVI.
Jurisdiction of Court of Record.

⁽¹⁾ Borough

⁽²⁾ to which His Majesty shall not have granted that a separate Court of Sessions of the Peace shall be holden in and for the same,

⁽³⁾ Borough

⁽⁴⁾ and no part of any Borough in and for which a separate Court of Quarter Sessions of the Peace shall be holden, shall be within the jurisdiction of the Justices of any County from which such Borough before the passing of this Act was exempt; any law, statute, letters patent, charter, grant or custom to the contrary notwithstanding.

142 ⁽⁵⁾ Borough to which His Majesty shall have granted a separate Court of Sessions of the Peace, or a Court of Record for the trial of Civil Actions as aforesaid

⁽⁶⁾ be holden or

⁽⁷⁾ a

⁽⁸⁾ such Borough

Judge of such Court; and ⁽¹⁾ *the Recorder* shall have jurisdiction to hold and continue such Court for the purpose of disposing of all causes pending therein *on the said First day of January One thousand eight hundred and Thirty-seven, or at the time of the appointment of such Recorder, at such times and places, and with such rules and practice, and with the same powers and jurisdiction, as belonged to the said Court at the time of the passing of this Act; and in all other causes such Recorder shall have jurisdiction to proceed either by process of attachment of goods, or by serviceable or other process against the Person, according to the provisions hereinafter contained, with authority to try, in a summary way, as hereinafter provided, actions of assumpsit, covenant and debt, whether the debt be by specialty or on simple contract; and all actions of trespass or trover for taking goods and chattels, provided the sum or damages sought to be recovered shall not exceed Twenty Pounds, and either the cause of action shall have accrued within such ⁽²⁾ *Town or City and Liberties*, or the Defendant or one of the Defendants shall be resident therein; and also all actions of ejectment between landlord and tenant wherein the annual rent of the premises of which possession is sought to be recovered shall not exceed Twenty Pounds; and also to try, according to the course of the common law, actions of assumpsit, covenant and debt, whether the debt be by specialty or on simple contract, and all actions of trespass or trover for taking goods and chattels, provided the sum or damages sought to be recovered shall not exceed ⁽³⁾ *One hundred Pounds*, and the cause of action shall have accrued within such ⁽⁴⁾ *Town or City and Liberties*; and such actions shall not be removed or removable to any of His Majesty's Superior Courts, by Writ of ⁽⁵⁾ *Certiorari*, or any other process, save in cases where the proceeding is according to the course of the Common Law, *Writ of Error after Judgment*: Provided also, That every such Judge respectively, from time to time, may make rules for regulating the practice of such Court over which he presides; but so that no such rules shall be of force until they shall have been allowed and confirmed by the Judges of His Majesty's Court of King's Bench in Dublin, or any Three of them.*

LXXVII.
Lord Lieutenant to
appoint the ⁽¹⁾
Registrar of
the Court
of Record, ⁽²⁾

And be it further Enacted, That in ⁽⁶⁾ *every County of a City or County of a Town, and in the said City and Liberties of Londonderry,* where

⁽¹⁾ Town
Clerk to be
Clerk of
Peace,
⁽²⁾ and Clerk
of Court of
Conscience..

⁽¹⁾ in all cases where by charter or custom there is or ought to be holden such a Court of Record ⁽²⁾ Borough

⁽³⁾ Fifty ⁽⁴⁾ Borough ⁽⁵⁾ Writ of Error after Judgment.

⁽⁶⁾ any Borough wherein there shall be a separate Court of Sessions of the Peace, or a Court of Record for the trial of Civil Actions

or

145 where there is at present a Registrar of any such Court of Record, such Person shall continue in the same office under the provisions of this Act; and in every County of a City or County of a Town, or City and Liberties, in which there shall be no such Registrar, the Lord Lieutenant shall appoint some fit Person to be ⁽¹⁾ Registrar of such Court of Record ⁽²⁾ during good behaviour; and upon vacancy in the said office, shall appoint a fit Person to supply the same; and ⁽³⁾ the ⁽⁴⁾ Recorder of ⁽⁵⁾ such ⁽⁶⁾ County of a City or County of a Town, or City and Liberties, shall appoint such other officers and servants as ⁽⁷⁾ he shall deem, with the approbation of the Lord Lieutenant, necessary for carrying on the business and executing the process of such ⁽⁸⁾ Court; provided that no Registrar or other officer of such Court shall by himself or his partner practise as an Attorney in such Court.

And be it Enacted, That no Suit commenced in any Court of Record in any ⁽⁹⁾ Town before the passing of this Act shall abate by reason of any change that shall have been worked in the constitution of such Court by the provisions of this Act, but that the same may be heard and determined as if it had been commenced before such Judge, according to the provisions hereinbefore contained in that behalf; and every Action, Suit and Proceeding in which any Corporate Body ⁽¹⁰⁾ named in ⁽¹¹⁾ such Schedule (A.) to this Act annexed, is a party

LXXVIII.
Existing Suits
not to abate
by reason of
the change of
Jurisdiction.

or a Court of Conscience, under the provisions of this Act, the Town Clerk of such Borough shall, in right of his office of Town Clerk, and so long as he shall hold such office, ⁽¹⁾ also the ⁽²⁾ and the Clerk of such Court of Conscience respectively ⁽³⁾ that ⁽⁴⁾ Council ⁽⁵⁾ every ⁽⁶⁾ Borough ⁽⁷⁾ are ⁽⁸⁾ Courts respectively; and in every Borough, being a County of a City or County of a Town, wherein the office of Clerk of the Crown or Clerk of the Peace is now by law in the appointment of the Corporation of such Borough, or any Member or officer thereof, or held by any officer thereof in right of his office, and in every Borough, not being a County of a City or County of a Town, to which a separate Commission of the Peace shall be granted, it shall and may be lawful for the Lord Lieutenant to grant from time to time to any Person the offices of Clerk of the Peace and Clerk of the Crown of such Borough, or either of them; and the Clerk of the Peace of the County of Londonderry, and the Coroners of said County shall, whenever after passing of this Act such offices respectively shall become vacant, be appointed and elected in the same manner as the Clerk of the Peace and Coroner of any other County at large in Ireland;

⁽⁹⁾ Borough ⁽¹⁰⁾ in the Towns mentioned ⁽¹¹⁾ the Schedules

a party or interested, shall and may be carried on by or against the said ⁽¹⁾ *Commissioners to be appointed by virtue of this Act.*

(²)

And

(¹) Corporate Body created

117.
Who to be
Jurors.

3 & 4 Will. 4.
c. 91.

(²) And be it Enacted, That every Person being a Burgess 147
of any Borough wherein there shall be a separate Court of
Sessions of the Peace, or a Court of Record for the trial of
Civil Actions (who would be qualified to serve on a Jury according
to the provisions of an Act passed in the third and fourth years
of the reign of His present Majesty, intituled, "An Act for
consolidating and amending the Laws relative to Jurors and Juries
in Ireland"), shall be qualified and liable to serve on Grand
Juries in such Borough, and also upon Juries for the trial of all
Issues joined in any Court of Sessions of the Peace and in any
Court of Record for the trial of Civil Actions, triable within the
Borough of which such Person shall be a Burgess; and the Clerk of
the Peace of every such Borough shall give public notice of the
time and place of holding every such Sessions of the Peace Ten
Days at least before the holding thereof, and in Boroughs being 148
Counties of Cities or Counties of Towns, the Sheriff thereof, and
in other Boroughs the Clerk of the Peace thereof, shall, Seven Days
at the least before the holding thereof, cause to be summoned a
sufficient number of Persons, being qualified and liable, as aforesaid,
to serve as Grand Jurors at such Sessions; and in Boroughs being
Counties as aforesaid, the Sheriff, and in other Boroughs the Clerk
of the Peace and Registrar of the Court of Record respectively,
shall also cause to be summoned not less than Thirty-six nor more
than Sixty Persons so liable and qualified as aforesaid, to serve as
Jurors at every such Sessions, and at the holding of every such
Court of Record for the trial of causes; and such summons shall be
made by showing to the Person to be summoned, or in case he shall
be absent from the usual place of his abode, by leaving with some
person therein inhabiting, a note in writing, under the hand of such
Sheriff, Clerk of the Peace or Registrar respectively, containing the
substance of such summons; and such Sheriff or Clerk of the Peace
respectively shall make out a List of the Names of such Persons so
summoned as Grand Jurors; and such Sheriff, Clerk of the Peace 149
or Registrar respectively shall also make out a Panel of such Persons
so summoned other than Grand Jurors; and such List and Panel
shall respectively contain therein the christian names and surnames,
places of abode, and descriptions of the several Persons therein
named; and if any Person having been duly summoned to attend
on any Jury, shall not attend in pursuance of such summons, or,
being

Fine for non-
attendance.

And be it Enacted, That in all cases of debt or liquidated damages, in which the Plaintiff shall be desirous of proceeding in ⁽¹⁾ *any such* Court of Record ⁽²⁾ by way of attachment of goods, the Plaintiff, or one of the Paintiffs, or some Person able to depose to the facts of his own knowledge, shall first make affidavit before the ⁽³⁾ *Registrar of such Court* of the cause of action, and that the same has accrued within such ⁽⁴⁾ *County of a City, County of a Town, or City and Liberties*, or else, where the debt or damages do not
 151 exceed Twenty Pounds, that the Defendant, or one of the Defendants, is resident therein (describing such Defendant by his name, addition and residence particularly), and that the Deponent is apprehensive that such debt or damages is or are in danger of being lost to the Plaintiff, unless aided by process of the said Court to attach the goods of the Defendant, and thereupon it shall be lawful for such ⁽⁵⁾ *Registrar* to issue an attachment, directed to the proper Officer of the Court, to be appointed in that behalf as aforesaid, requiring

being thrice called, shall not answer to his name, or after his appearance wilfully withdraw himself from the presence of the Court, the Court shall impose such Fine upon every Person so making default (unless some reasonable excuse shall be proved to the satisfaction of the Court), as the Court shall think meet; and if any Person on whom such Fine shall be imposed shall refuse to pay the same to the Person who shall be authorized by the Court to receive the same, it shall be lawful for the Court then, or at its next sitting, by order of the Court, signed by the Clerk of the Peace or Registrar respectively, to cause to be levied, by distress and sale of the goods of the Person on whom such Fine shall have been imposed, every
 150 such Fine and the reasonable charges of such distress and sale; and every Fine so received shall be paid to the Treasurer of the Borough, to be by him carried to the account of the Borough Fund hereinbefore mentioned.

And be it Enacted, That after the passing of this Act, every Member of the Council for the time being of the Borough, and Justice assigned to keep the peace therein, and every Officer of Police therein, and the Treasurer and Town Clerk for the time being of every such Borough, shall be exempt and disqualified from serving on any Jury summoned within such Borough respectively, save and except the Juries summoned for the Assize or general Gaol Delivery.

118.
Justices, &c.
exempt from
serving on
Juries.

⁽¹⁾ the ⁽²⁾ of any Borough

⁽³⁾ Recorder or the Mayor (who is hereby empowered to take such or any other affidavits in the said Court)

⁽⁴⁾ Borough, ⁽⁵⁾ Recorder or Mayor

requiring him, according to the Form Number 1, in Schedule ⁽¹⁾ (B.) to this Act annexed, to attach the goods of the Defendant within the ⁽²⁾ *County of a City, or County of a Town, or City and Liberties*, and thereupon such Officer is hereby authorized and required to seize such goods, and to detain the same until the Defendant shall have given special bail to *render the body* or pay such sums of money as may be adjudged to the Plaintiff in that Suit. ⁽³⁾

LXXX.
Foreign
Attachment.

And be it Enacted, That in ⁽⁴⁾ *every County of a City, or County of a Town, or in such City and Liberties* in which, by usage or charter, the goods, monies or credits of the Defendant may, by process of Foreign Attachment, be attached in the hands of a third Person, such process by Foreign Attachment may be proceeded upon in the Court of Record of such ⁽⁵⁾ *City or Town* under this Act, with such rules of practice, and with the same powers and jurisdiction as belonged to the said Court at the time of the passing of this Act: Provided always, That no such Foreign Attachment shall be issued, unless a Common Attachment against the goods of the Defendant shall first have issued, and unless thereupon a further affidavit shall be made as aforesaid, describing the goods, monies or credits sought to be attached in the hands of such third Person, and stating that the same belong to the Defendant; and such third Person, in case he claims a property in such goods, shall be permitted to give bail for the same in manner aforesaid. 152

LXXXI.
Where the
Proceedings
shall be by
Civil Bill.

And be it Enacted, That upon the appearance of the Defendant upon any such Common Attachment, and upon the appearance of the Garnishee upon any such Foreign Attachment, the Plaintiff, in all cases where the debt or damages do not exceed Twenty Pounds, shall proceed by way of Civil Bill thereupon, and not according to the course of the Common Law, by filing such Civil Bill in the said Court, and giving notice in writing of such filing, together with a copy of such Civil Bill, to the party or his attorney in the proceeding. 153

LXXXII
Form of
Proceeding.

And be it Enacted, That in all such cases, and in all other cases wherein the debt or damages do not exceed Twenty Pounds, and the Plaintiff shall elect to proceed by serviceable or other process against the Person only in such Court of Record, and in all cases of ejectionment

⁽¹⁾ (F.) ⁽²⁾ Borough;

⁽³⁾ which bail may be taken either by the Recorder or by the Mayor of such Borough.

⁽⁴⁾ all Boroughs ⁽⁵⁾ Borough

ejection triable in such Court of Record, the proceeding shall be, as nearly as circumstances will admit, in the forms and according to the course and with such right of appeal to the Judge of Assize of the County in which such Borough, or any part thereof, shall be situate, or to one of the Superior Courts in the City of Dublin, as is by law provided in cases of Civil Bills determinable before the Assistant Barristers of Counties in Ireland, and in cases where the Plaintiff shall proceed in such Court according to the course of the Common Law, and shall recover in debt or damages an amount not exceeding Twenty Pounds, such Plaintiff shall not recover any costs of suit.

154 And be it Enacted, That any Attorney of any of the Superior Courts of Record in Dublin shall be admissible to practise in the Court of Record of any such ⁽¹⁾ *County of a City or County of a Town or City and Liberties* without payment of any fee or stamp duty upon such his admission, and may continue to practise therein so long as he continues an Attorney of some of the Superior Courts of Record aforesaid, and is in all other respects duly-qualified to act and practise as such Attorney.

LXXXIII.
Attornies in
Court of
Record.

AND whereas in several of the Towns in Ireland which are not Counties, there are Courts of Record for the trial of civil actions, and such Courts, when well regulated, have been found useful to the inhabitants of the said Towns; BE it Enacted, That from and after the passing of this Act, all the powers, authorities, usages and jurisdiction of any existing Court of Record in every Town named in the said Schedule (A.) to this Act annexed, which is not a county, except the city and liberties of Londonderry, whether the same shall have been established by usage, statute or otherwise, shall continue in the same manner as if this Act had not passed, until the Lord Lieutenant shall think proper to determine the same, and at any time it shall be lawful for the Lord Lieutenant, by an order under his hand, to declare that any such Court shall be discontinued at a time to be mentioned in such Order, and to be not less than Two calendar Months after the date of such Order; and every such Order shall be advertised in the Dublin Gazette, and at the time appointed for that purpose in such Order, such Court of Record, and all powers, authorities and jurisdictions thereof shall wholly cease and determine, save only as to the execution of any decrees or orders of the said Court theretofore lawfully made; and the present Judge and other Officers of the said Court shall, during the continuance thereof, remain in their respective offices, notwithstanding he, they

LXXXIV.
Existing
Courts of
Record to be
continued
until deter-
mined by the
Lord Lieu-
tenant.

(1) Borough,

they or any of them may have ceased to hold any office, by virtue of which he or they shall be such Judge or Officer or Officers, and upon any future vacancy in the office of Judge of any such Court, the Lord Lieutenant shall appoint a fit Person, being a Barrister of not less than Six Years' standing, to be Judge of such Court during the continuance thereof and his good behaviour, and upon any vacancy in any other office belonging to such Court, the Judge of the Court shall appoint a fit Person to supply such vacancy.

LXXXV.
Court of
Conscience.

AND whereas in several of the ⁽¹⁾ *Towns* in Ireland there have been Courts for the recovery of small debts in a summary way, commonly called Courts of Conscience; and such Courts, when well regulated, have been found useful to the poorer inhabitants of the said Boroughs; and it is expedient to make new and further provisions for the establishment and regulation of such Courts in certain cases; BE it Enacted, That from and after the ⁽²⁾ passing of this Act all the powers, authorities and jurisdictions of ⁽³⁾ *any* existing Court for the recovery of small debts, commonly called the Court of Conscience in ⁽⁴⁾ *every Town named in the said Schedule (A.) to this Act annexed*, whether the same shall have been established by usage, statute or otherwise, shall continue in the same manner as if this Act had not passed until the First day of May One thousand eight hundred and thirty-seven, and from thenceforth until the Lord Lieutenant shall think proper to determine the same; and at any time it shall be lawful for the Lord Lieutenant, by an order under his hand, to declare that any such Court shall be discontinued at a time to be mentioned in such order, and to be not less than Two calendar Months after the date of such order, and every such order shall be advertised in the Dublin Gazette; and at the time appointed in that purpose in such order, such Court of Conscience, and all powers, authorities and jurisdictions thereof, shall wholly cease and determine, save only as to the execution of any decrees or orders of the said Court theretofore lawfully made. ⁽⁵⁾

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And

⁽¹⁾ Boroughs

⁽²⁾ first election of the Council of any Borough after the

⁽³⁾ the then

⁽⁴⁾ such Borough

⁽⁵⁾ and that in every Borough in the said Schedules (A.) and (B.) to this Act annexed, in which there shall be a Recorder duly appointed for such Borough, according to the provisions herein contained, there shall be, from and after the appointment of such Recorder, and from thenceforth in such Borough, before the Mayor of the said Borough, or the Deputy of such Mayor duly appointed by him by writing under his hand, with the consent of the Council of such

And be it further Enacted, That in case the Lord Lieutenant, with the advice and consent of His Majesty's Privy Council of Ireland, shall at any time think it expedient that any Court of Conscience now existing shall be continued, or that a Court of Conscience under such regulations as hereinafter are contained, shall be established in any Town named in the said Schedule (A.) to this Act annexed, where no such Court now exists, then the Lord Lieutenant may appoint a fit Person, being a Barrister of not less than Six Years' standing, who shall be and shall be called the Judge of the Court of Conscience for such Town, and shall hold such office during his good behaviour; and in the event of any vacancy in such office, the Lord Lieutenant may appoint a fit Person to be such Judge, and there shall be, from and after the appointment of such Judge in such Town, a Court shall be holden for the recovery of small debts, to be called the Court of Conscience of such Borough, the Judge or President of such Court, and shall have full power and authority to hear and determine in a summary way causes in all small debts between Party and Party, not exceeding in amount the sum of Forty Shillings, where the cause of action shall have accrued within the said Borough, or the Defendant shall reside within the same.

LXXXVI.
Lord Lieutenant, with consent of Privy Council, may appoint a Court of Conscience under the Regulations of the Act, in the same or any other Town.

And be it further Enacted, That any Recorder or Assistant Barrister, whose duties shall not prevent him from performing in addition thereto the duties of a Judge of a Court of Conscience, and who shall be willing to undertake such office, shall be appointed a Judge of a Court of Conscience under the provisions of this Act.

LXXXVII.
Recorder or Assistant Barrister may be Judge of a Court of Conscience.

And be it further Enacted, That it shall be lawful for the Judge of the Court of Conscience to appoint and remove at his pleasure a Clerk and other necessary Officers of such Court; and where the Recorder shall be the Judge of the Court of Conscience, the Registrar of the Court of Record shall also be the Clerk of the Court of Conscience.

LXXXVIII.
Clerks and other Officers of Courts of Conscience to be appointed by the Lord Lieutenant.

And

such Borough, signified by a resolution of such Council duly convened for that purpose, a Court for the recovery of small debts, to be called the Court of Conscience of such Borough, and that the Mayor of the said Borough, or his Deputy for the time being duly appointed, shall be the Judge or President of such Court, and shall have full power and authority to hear and determine in a summary way causes in all small debts between party and party not exceeding in amount the sum of Forty Shillings, where the cause of action shall have accrued within the said Borough, or the Defendant shall reside within the same.

LXXXIX.
Proceedings
in.

And be it Enacted, That the said Court shall be held at such times and in such place within the said ⁽¹⁾ *Town*, as the ⁽²⁾ *Lord Lieutenant* shall direct, ⁽³⁾ and not otherwise; and that the proceedings in said Court shall be by summons, in the Form Number 2, specified in the Schedule ⁽⁴⁾ *(B.)* to this Act annexed, stating the names of the Parties, Plaintiff and Defendant, the nature and amount of the debt, and the time and place when and where the Defendant is required to appear and answer the said claim; and such summons shall be served on the said Defendant personally, or in case of difficulty in effecting personal service arising from the acts or contrivance of said Defendant, by serving same in such manner as the ⁽⁵⁾ *Judge* of the said Court shall direct; and in such case a copy of the order for such substitution of service shall be served along with and in the same manner as the summons; and in all cases the summons shall be served in manner afore Twenty-four Hours at the least previously to the hearing of the cause; and in case the said Defendant shall appear, or if the Plaintiff shall prove by affidavit (which, and all other affidavits in the said Court, the said ⁽⁶⁾ *Judge* is hereby empowered to take) the due service of the said summons, or summons and order as aforesaid, the ⁽⁷⁾ *Judge* shall proceed to hear the said cause, and the statement of the said party or parties, or their attorney or attornies, and all competent witnesses, and other legal evidence produced by them or either of them, and shall determine the same: Provided always, That it shall be lawful for either party to require the other to be examined upon oath touching the said claim, but that neither of the said parties shall be admitted by his own evidence, on oath or otherwise, to support his own case.

157

XC.
Order of.

And be it Enacted, That upon such evidence as shall be adduced, and the admissions of the said parties, if required to be examined as aforesaid, the said ⁽⁸⁾ *Judge* shall decide upon the case, and shall make an order either for the payment of the sum claimed by the Plaintiff or any part thereof, together with his costs of suit, ⁽⁹⁾ or for dismissing the said summons, and in such case to order the Plaintiff to pay to the Defendant his reasonable costs, ⁽¹⁰⁾ or may adjourn the cause to some other day, as justice may require; and every such order

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⁽¹⁾ Borough, ⁽²⁾ Council of the said Borough

⁽³⁾ and provide, ⁽⁴⁾ (F.) ⁽⁵⁾ President

⁽⁶⁾ President ⁽⁷⁾ President of the said Court

⁽⁸⁾ President.

⁽⁹⁾ according to a Table of Costs, to be settled for said Courts in manner hereinafter provided,

⁽¹⁰⁾ according to the said Table,

72.5

order shall specify a time within which such payment of debt and costs, or of costs, as the case may be, shall be made, either by instalments or otherwise; and every order dismissing such summons shall be expressed therein, to be either "on the merits" or "without prejudice to any other proceeding for the said demand;" and in case the party against whom such order for the payment of the said debt and costs, or of such costs, shall be made, shall not pay the amount thereof, pursuant to the terms of said order, it shall be lawful for the ⁽¹⁾ Judge of the said Court, upon affidavit made of the service of a copy of such order, on such party personally, or at his
 159 dwelling-house, office or shop, or last known place of residence within the said Borough, and of the non-payment of any sum of money mentioned in such order, pursuant to the terms thereof, to issue his warrant under his hand to levy the amount thereof by distress and sale of the goods of the said party.

(²) And

(¹) President

(²) And be it Enacted, That no re-hearing of any cause shall be had in the said Court, except only in cases where the same shall have been dismissed "without prejudice to any other proceeding," as aforesaid; and that if any Party shall think himself aggrieved by any such order of the said Court, either for payment of the said debt and costs, or for dismissing his cause on the merits as aforesaid, it shall be lawful for such Party to appeal therefrom to the Recorder of the said Borough; provided that in case of such appeal, the Party so appealing shall give notice of such appeal to the President of the said Court, and also to the opposite Party in said cause; and
 160 said appeals may be forthwith proceeded upon before such Recorder at the Court of said Recorder, if then holden, or at the next or any subsequent Court of such Recorder to be held within Six calendar Months from the time of the service of such order upon the Party so appealing; and such Recorder shall have full power and authority to proceed to hear such cause, and to rescind and vary or reverse or affirm said order, and in all or any of such cases to make such order, either for the payment of the said debt and costs, together with reasonable costs of such Appeal, pursuant to the said Table of Costs, or for the payment of such costs only as aforesaid as justice shall require; and in case of non-payment of the sum or sums of money mentioned in such order, on like affidavit of the due service thereof in manner aforesaid, to issue his warrant under his hand to levy the amount thereof by distress and sale of the goods of the said Party, in the same manner as the said President of the said Court of Con-

127.
Appeal from.

XCI.
Books of
Proceedings to
be provided
and kept.

And be it Enacted, That the ⁽¹⁾ Judge of ⁽²⁾ every Court of Conscience, ⁽³⁾ or the ⁽⁴⁾ Clerk of such Court under the ⁽⁵⁾ orders ⁽⁶⁾ of the Judge shall make or cause to be made fair and regular entries in books to be provided by ⁽⁷⁾ such Clerk under the direction of the ⁽⁸⁾ Judge for that purpose; of all judgments, orders, directions, regulations, acts and proceedings of ⁽⁹⁾ the said ⁽¹⁰⁾ Judge, in or relating to the execution of the several powers and authorities vested in ⁽¹¹⁾ him, and shall respectively sign the same; and such 162 entries when so signed shall be allowed in evidence in proof of the proceedings of such Court in all Courts whatsoever; and if any Person within the jurisdiction of the said Court, after having been duly served with a summons, to be issued by the Clerk thereof, and paid or tendered his reasonable expenses to attend and give evidence at a time and place in such summons mentioned, on behalf of any Plaintiff or Defendant, shall refuse or neglect to appear pursuant to such summons, due proof being made of the service of such summons, and no sufficient cause for his non-appearance being shown to the satisfaction of the Court upon affidavit, or if the Person so served with such summons shall appear and refuse to give evidence touching the matter in question, then and in every such case it shall be lawful for such ⁽¹²⁾ Judge, as the case may be, if satisfied upon affidavit that such Person not appearing was duly served with such 163 summons, and was a material witness for the party on whose behalf he was so summoned, or that such Person appearing and refusing to give evidence as aforesaid was a material witness for the party on whose

science is hereby authorized: Provided always, That such notice of appeal shall not operate to stay execution of any order or warrant 161 of the said President of the said Court of Conscience, unless the Party appealing therefrom shall enter into a bond to the Mayor of said Borough, by himself and Two Sureties jointly and severally bound in Double the amount of the sums mentioned in such order, that such Party so appealing shall prosecute such Appeal with effect; and in case such order shall be affirmed in the whole or in part on such Appeal, to pay the sum mentioned in such order of affirmation, either for debt and costs or for costs: Provided always, That such Bond shall not be liable to any Stamp Duty.

⁽¹⁾ President ⁽²⁾ the said

⁽³⁾ and the Recorder as Judge upon Appeals from the President

⁽⁴⁾ Town ⁽⁵⁾ their ⁽⁶⁾ respectively, ⁽⁷⁾ the Town

⁽⁸⁾ Council ⁽⁹⁾ them

⁽¹⁰⁾ President and Recorder respectively,

⁽¹¹⁾ them as Judges in the first instance, and upon appeal in such Court as aforesaid, ⁽¹²⁾ President or Recorder,

whose behalf he was called, to impose any Fine not exceeding Fifty Shillings on every such Person; and in case such Fine shall not be paid forthwith, such Fine may be levied by distress and sale of the goods of the offender, by warrant under the hand of such ⁽¹⁾ Judge, as the case may be, rendering the overplus (if any), after deducting such Fine and the costs and charges of such distress, to the owner of the goods; and such Fine when levied shall be paid over to the party on whose behalf such Person shall have been summoned or called upon to give evidence; and in case any Person shall be guilty of a contempt of the said Court, it shall be lawful for such ⁽²⁾ Judge to direct that such offender be taken into custody, and any Officer of the Court, with or without the assistance of any other Person, may take
 164 such offender into custody accordingly; and the said ⁽³⁾ Judge shall then examine into such contempt, and then, upon his own view, or upon oath of One or more other Persons, impose a Fine not exceeding Fifty Shillings for each offence on each offender; and if such Fine shall not be forthwith paid, such ⁽⁴⁾ Judge may commit the offender to any lawful prison within such Borough for any time not exceeding Twenty Days, or such Fine may be levied by distress and sale of the goods of the offender in manner aforesaid, and paid to the Treasurer of ⁽⁵⁾ the *Town Fund of such Town*, to the credit of the ⁽⁶⁾ *Town Fund*, and such offender may be detained in custody until the rising of the Court on the day of his offence, and for One Hour after.

(7)

Provided⁽¹⁾ President or Recorder,⁽²⁾ President or Recorder,⁽³⁾ President or Recorder⁽⁴⁾ President or Recorder⁽⁵⁾ such Borough⁽⁶⁾ Borough

165 ⁽⁷⁾ And be it Enacted, That the Council of every Borough shall and they are hereby required, within Six calendar Months next after their election, to make and settle a Table of the Fees which shall be taken by the Clerk of the Peace in those Boroughs in which a separate Court of Session of the Peace shall be holden, and in those Boroughs in which there shall be a Court of Record and a Court of Conscience, a Table of the Fees to be taken by the Registrar and Officers of such Courts; and such Tables of Fees shall be submitted to the Chief Justice and other Justices of His Majesty's Court of King's Bench in Ireland; and when such Tables of Fees shall be confirmed and allowed by such Chief Justice or other Justices, or any Three of them, either as such Table shall have been submitted to them, or with such alterations, additions or abatements as they shall think

129.
 Fees payable
 to the Clerk
 of the Peace,
 Clerk to the
 Magistrates,
 and Registrar
 and Officers
 of the Court
 of Record.

XCII.

*Town Clerk
to continue
Clerk of the
Peace, Regis-
trar of Court
of Record and
Clerk of Court
of Conscience.*

Provided always, and be it Enacted, That in any Town wherein the Town Clerk is now in right of his office Clerk of the Peace, Registrar of the Court of Record for the trial of civil actions, and Clerk of the Court of Conscience, or in such right holds any of those offices, the Person who shall be such Town Clerk on the day preceding the First day of January One thousand eight hundred and Thirty-seven, shall continue to hold the same offices respectively, or such of them as are now held during good behaviour by him, under the provisions of this Act.

(1)

And

proper, the Fees therein mentioned may thenceforth be lawfully taken by the Person therein named to be entitled thereunto; and it shall be lawful for the Council of such Borough, from time to time as occasion may require, to make new Tables of Fees, to be taken instead of the Fees contained in the Tables which shall have been made as aforesaid, which new Tables shall be confirmed and allowed in the manner hereinbefore mentioned, otherwise the same shall be of no validity; and that until Tables of the Fees so to be taken in any such Borough shall have been made and confirmed as aforesaid, it shall be lawful for such Clerk of the Peace at the Sessions for any such Borough, to take the Fees authorized by the Table for the time being to be taken by the Clerk of the Peace at the Sessions for the County within or adjoining to which such Borough is situated, and for the Registrar and Officers of such Court of Record, or Court of Conscience, to take the Fees usually taken by them before the passing of this Act.

166

130.

*Clerks to
Justices to be
entitled to
Fees charge-
able under Act
7 & 8 Geo. 4.*

(1) And be it Enacted, That in those Boroughs to which a Commission of the Peace shall have been granted, the Clerk to the Justices shall be entitled to such Fees (and no other) as are chargeable by and under an Act passed in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in Ireland," subject to such orders of the Justices as in that Act provided.

131.

*Table of Fees
to be hung up.*

And be it Enacted, That the Town Clerk of every Borough shall cause a true copy of the Tables of Fees in force for the time being to be hung up in a conspicuous part of the room in which the business of his office is contracted, and also in the room wherein the Justices of the Peace of such Borough shall sit for transacting their business, and also in the room wherein the Court of Sessions of the Peace for the

167

And be it Enacted, That when by any Act any penalties or forfeitures are ⁽¹⁾ made recoverable in a summary manner, before any Justice or Justices of the Peace, and by such Act ⁽²⁾ the same are ⁽³⁾ limited and made payable ⁽⁴⁾ or to any Body Corporate, ⁽⁵⁾ named in *Schedule (A.) to this Act annexed*, in every such case the same, if recovered and adjudged before any Justice of any ⁽⁶⁾ County of a City, or County of a Town, or of the said City and Liberties of Londonderry, shall, notwithstanding any thing in such Act ⁽⁷⁾ contained, be recovered for and adjudged to be paid to the Treasurer of the Town Fund of such ⁽⁸⁾ Town for the time being, to the credit and on account of the ⁽⁹⁾ Town Fund of such ⁽¹⁰⁾ Town; and no such penalty or forfeiture, or share of such penalty or forfeiture, shall in any case be recovered by or adjudged to be paid to any such Body Corporate or any other Person than the said Treasurer, unless such Person be the informer or the party aggrieved: Provided always, That nothing herein contained shall extend to any penalties or forfeitures recovered under any Act relating to the Customs, or to Trade or Navigation, and sued for by the direction of the Commissioners of His Majesty's Customs, which shall be paid to such Person as the said Commissioners shall direct to receive the same.

AND for the more effectual prosecution of offences punishable upon summary conviction by virtue of this Act; BE it Enacted, That the prosecution for every such offence shall be commenced within Six calendar Months after the commission of the offence, and not otherwise; and that where any Person shall be charged, on the oath of a credible witness, with any such offence before a Justice of the Peace, the Justice may summon the Party charged to appear before any Two Justices of the Peace acting in and for the ⁽¹¹⁾ Town or County, or City or Liberties in which such offence shall have been committed, at a time and place to be named in such summons; and

XCIV.
Limitation of
time for pro-
secution of
offences
punishable on
summary con-
viction under
this Act, and
summons of
offenders.

the Borough shall be held, and also in the Court of Record and Court of Conscience of the said Borough respectively.

⁽¹⁾ or shall hereafter be ⁽²⁾ respectively,

⁽³⁾ or shall be ⁽⁴⁾ to His Majesty,

⁽⁵⁾ or to any Person whomsoever, save and except the informer, who shall sue for the same, or any party aggrieved,

⁽⁶⁾ Borough in which a separate Court of Sessions of the Peace shall be holden as aforesaid, ⁽⁷⁾ respectively

⁽⁸⁾ Borough ⁽⁹⁾ Borough ⁽¹⁰⁾ Borough

⁽¹¹⁾ Borough

and if such Party shall not appear accordingly, the Justices of the Peace then and there present (upon proof of the due service of the summons, by delivering a copy thereof to the Party, or by delivering such copy at the Party's usual place of abode to some inmate thereat, and explaining the purport thereof to such inmate), may either proceed to hear and determine the case in the absence of the Party, or may issue their warrant for apprehending and bringing such Party before them, as they shall think proper.

XCIV.
Power to
summon Wit-
nesses.

Penalty for
disobedience
of Summons,
&c.

No Witness
or Justice to
be incompet-
ent on the
ground of
rateability.

And be it Enacted, That it shall be lawful for any Justice of the Peace acting in and for any ⁽¹⁾ *Town or County, or City or Liberties*, to issue his summons, requiring any Person to appear before any such Justices of the Peace, for the purpose of giving evidence touching any offence against this Act; and if any Person so summoned shall neglect or refuse to appear at the time and place appointed by such summons, and no reasonable excuse for his absence shall be proved before the Justices of the Peace then and there present, or if any Person appearing in obedience to such summons shall refuse to be examined on oath touching any such offence by the Justices then and there present, every Person so offending shall, on conviction thereof before the said Justices, or any other Justices of the Peace, forfeit and pay such sum of money, not exceeding Five Pounds, as to the convicting Justices shall seem meet; and no Person, although liable to ⁽²⁾ *any Rate in aid or diminution of which any part of the income of any Town Fund shall be applied*, shall be deemed an incompetent witness in proof of any offence against this Act, by reason of any penalty or forfeiture for such offence being applicable to the use of such ⁽³⁾ *Town Fund*; and no Justice of the Peace shall be disabled from acting in the execution of this Act by reason of his being liable to ⁽⁴⁾ *any such Rate* ⁽⁵⁾

XCVI.
Payment of
Penalties, and
mode of levy-
ing the same.

And be it Enacted, That the Justices of the Peace by whom any Person shall be summarily convicted and adjudged to pay any sum of money for any offence against this Act, may adjudge that such Person shall pay the same, either immediately or within such period as the said Justices shall think fit; and in case such sum of money shall not be paid at the time so appointed, the same shall be levied by distress and sale of the goods and chattels of the offender, with the

(1) Borough.

(2) the Rate contributing to the Borough Fund of any Borough

(3) Borough (4) the

(5) contributing to the Borough Fund of any Borough.

the reasonable charges of such distress; and ⁽¹⁾ it shall be lawful for such Justices to order the offender to be detained in safe custody until return can be conveniently made to the warrant of distress, unless the said offender shall give sufficient security to the satisfaction of such Justices for his or her appearance before them, on such day as shall be appointed for the return of such warrant of distress, such day not being more than Eight days from the day of taking the security, and which security the said Justices are hereby empowered to take, by way of recognizance or otherwise; and if, upon the return of such warrant, it shall appear that no sufficient distress can be had thereupon, or in case it shall appear to the satisfaction of such Justices, either by the confession of the offender or otherwise, that the offender hath not sufficient goods and chattels, whereon such sum of money and costs may be levied, were a warrant of distress issued, such Justices shall not be required to issue such warrant of distress, and thereupon it shall be lawful for any such Justices, and they are hereby authorized and required to cause such offender to be imprisoned, with or without hard labour, in the Common Gaol or House of Correction, as to the convicting Justices shall seem meet, for any term not exceeding One calendar Month where the sum to be paid shall not exceed Five Pounds, and for any term not exceeding Two calendar Months in any other case; the imprisonment to cease in each of the cases aforesaid, upon payment of the sum due.

And be it Enacted, That the Justices of the Peace before whom any Person shall be summarily convicted of any offence against this Act, may cause the Conviction to be drawn up in the following form
 172 of words, or in any other words to the like effect, as the case may require; (that is to say)

XCVII.
Form of
Conviction.

“ } BE it Remembered, That on the day of
 (to wit.) } in the year of our Lord
 in the ⁽²⁾ Town of in the County of
 A. O. is convicted before us, J. P., and J. J. P.,
 two of His Majesty's Justices of the Peace for the said
 County [or, ⁽³⁾ Town; or otherwise, as the case may be], for
 that the said A. O. did [here specify the offence, and the
 time and place when and where the same was committed,
 as the case may be]; and we do adjudge that the said
 A. O. shall for the said offence forfeit the sum of
 and shall pay the same immediately [or, shall
 pay the same on or before the day of]
 to

⁽¹⁾ for want of sufficient distress, such offender shall be imprisoned

⁽²⁾ Borough

⁽³⁾ Borough

to the Treasurer ⁽¹⁾ of the Town Fund of the said Town, to be by him applied according to the directions of the Statute in that case made and provided. Given under our hands the day and year first above mentioned."

XCVIII.
Appeal against
Convictions
under this
Act.

And be it Enacted, That any Person who shall think himself 173.
aggrieved by any summary conviction in pursuance of this Act may appeal to the next Court of General or Quarter Sessions of the Peace to be holden not less than Twelve Days after such conviction, for the County or Division of the County, or for the ⁽²⁾ Town wherein the cause of complaint shall have arisen; provided that such Person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within Three Days after such conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in custody until the Sessions, or within such Three Days enter into a recognizance with a sufficient surety before a Justice of the Peace conditioned personally to appear at the said Sessions and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such notice being given, and such recognizance entered into, the Justice before whom the same shall be 174.
entered into shall liberate such Person if in custody; and the Court at such Sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet; and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be dealt with and punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

XCIX.
No Certiorari,
&c.

As to infor-
mality in
Warrants, &c.

And be it Enacted, That no conviction, order, warrant or other matter made, or purporting to be made, by virtue of this Act, shall be quashed for want of form; and no warrant of commitment shall be held void by reason of any defect therein, provided that it be 175.
therein alleged that it is founded on a conviction, and there be a good and valid conviction to sustain the same; and where any distress shall be made for levying any money by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceedings relating thereto; nor shall the party distraining be deemed a trespasser ab initio on account of any irregularity afterwards committed by him, but the Person aggrieved by such irregularity

(1) for the said Borough.

(2) Borough.

larity may recover full satisfaction for the special damage, if any, in an Action upon the case.

AND for the protection of Persons acting in the execution of this Act; BE it Enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be commenced within Twelve calendar Months after the fact committed, and not otherwise; and notice in writing of such Action, and of the cause thereof, shall be given to the Defendant One calendar Month at least before the commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no Plaintiff shall recover in any such Action if tender of sufficient amends shall have been made before such Action brought, or if a sufficient sum of money shall have been paid into Court after such Action by or on behalf of the Defendant; and if a verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such Action after issue joined, or if upon demurrer or otherwise judgment shall be given against the Plaintiff, the Defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any Defendant hath by law in other cases.

C.
Limitation in proceedings against Persons acting under this Act.

Notice of Action.

General Issue.

Tender of Amends, &c.

(¹)

And

(¹) AND whereas it may happen that the several provisions of this Act cannot be carried into effect within the several periods in the present year hereinbefore specified and limited in that behalf; BE it therefore Enacted, That it shall be lawful for the Lord Lieutenant of Ireland, if he shall think fit, by the advice of His Majesty's Privy Council there, to order any days and times for doing in this present year the several matters required or authorized by this Act to be done in lieu of the several days and times for the present year hereinbefore specified, or any of them; and in such case all matters mentioned in such order shall be done in this present year, on and within such days and times as shall be mentioned respectively in that behalf, in such order as if the days and times mentioned in such order had in every instance been mentioned in this Act, instead of the days and times hereinbefore respectively mentioned in that behalf, and not otherwise: Provided always, That nothing herein contained shall authorize the Lord Lieutenant to appoint any days or times other than are hereinbefore specified for any matters to be done after the expiration of this present year: Provided also, That no Person shall be entitled to be enrolled in the Burgess Roll of any Borough in this present year, unless he would have been entitled on the last day of August in this year to have his name included in some Churchwarden's List, if such List had been made out on the said last day of August.

140.
Periods connected with first Registration and Election may be deferred by Orders in Council.

CI.
Interpreta-
tion Clause.

And be it Enacted, That in the construction of this Act the ⁽¹⁾ words "Body Corporate" shall be construed ⁽²⁾ to include all Guilds and Fraternities of, within, or connected with such Bodies Corporate respectively; and the word "Burgess" shall be construed to mean Citizen, in the case of a City; and the word "County" shall be construed to mean County or Riding; *and the word "Town" shall be construed*

141.
The King
empowered to
grant Charter
of Incorpora-
tion.

AND whereas sundry Towns in Ireland not named in the Schedules to this Act annexed are not Towns Corporate, and in some others the Corporations have been extinct, and it may be expedient that several of them should be incorporated; BE it Enacted, That if any of the Inhabitant Householdors of any Town in Ireland shall petition His Majesty to grant to them a Charter of Incorporation, it shall be lawful for His Majesty, by any such Charter, if he shall think fit to grant the same, to extend to the Inhabitants of any such Town within the District to be set forth in such Charter, all or any of the powers and provisions in this Act contained; and in such case the Mayor of such Town or Borough shall be and become the Returning Officer at all Elections of a Member to serve in Parliament for such Town or Borough: Provided nevertheless, That notice of every such Petition, and of the time when it shall please His Majesty to order that the same be taken into con- 179 sideration by His Privy Council, shall be published by Royal Proclamation in the Dublin Gazette One Month at least before such Petition shall be so considered.

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Councils to
transmit
yearly Ac-
counts of
Income and
Expenditure
to Lord Lieu-
tenant, and
an Abstract
thereof to be
laid before
Parliament.

And be it Enacted, That the Council in each City or Town in Ireland in which there now is or hereafter may be a Municipal Corporation under this Act shall, before the First day of March in each year, transmit to the Lord Lieutenant or Chief Governor (for the time being) of Ireland, a Statement of all Monies received and expended on account of such Corporation within the year preceding, which Statement shall be prepared in such form and manner as the Lord Lieutenant shall direct, and such Accounts shall refer to the year ended upon the First of January of the year in which such Account is hereby required to be so transmitted; and an Abstract of such Statements and Accounts, under general heads, shall be laid before both Houses of Parliament, during their sitting, in the same year in which they are hereby required to be transmitted as aforesaid.

⁽¹⁾ word "Borough" shall be construed to mean City, Borough or Town Corporate, named in one of the said Schedules (A.), (B.) and (C.); and the

⁽²⁾ to mean Body Corporate named in one of the said Schedules (A.), (B.) and (C.), and

construed to mean City, Borough or Town; and the word "Borough" shall be construed to mean City, Borough or Town Corporate; and the word "Trustees" shall be construed to mean Trustees, Commissioners or Directors, or the Persons charged with the execution of a Trust, by whatever name they are designated; and the word "Parish" shall be construed to extend to any extra-parochial Precinct or Place, as well as a Parish; and the words "Lord Lieutenant" shall be construed to mean the Lord Lieutenant, Lords Justices, or other Chief Governor or Governors of Ireland; ⁽¹⁾ and the word "Mayor" shall be construed to mean the chief officer of a Borough, by whatever name he is now called; ⁽²⁾ and, in describing any person or thing, any word importing the singular number shall be construed to mean also several persons or things respectively, unless there be something in the subject or context repugnant to such construction; and that no misnomer or inaccurate description of any Person, Body Corporate or Place named in any Schedule to this Act annexed, or in any Burgess Roll, ⁽³⁾ List or Notice ⁽⁴⁾ required by this Act, shall hinder the full operation of this Act with respect to such Person or Place, provided that such Person or Place shall be so named as to be commonly understood; and in all cases where an oath or affidavit is required under this Act, the affirmation or declaration of a Quaker, Moravian or Separatist shall be accepted in lieu of such oath or affidavit.

And be it Enacted, That this Act may be altered or amended by any Act to be passed in this present Session of Parliament.

CII.
Act may be
altered this
Session.

⁽¹⁾ and that in all things hereinafter provided to be done until the first election of Councillors in any Borough under this Act shall have been declared,

⁽²⁾ or when there may be no such chief officer, the returning officer at Elections of Members to serve in Parliament for such Borough; or when there may be neither any such chief officer or returning officer, then such Person as the Lord Lieutenant for the time being shall, by writing under his hand, appoint to perform the duty of Mayor under the provisions hereinafter contained;

⁽³⁾ Ward

⁽⁴⁾ or Voting Paper

SCHEDULES to which this ACT refers.

[The Schedules marked thus } were struck out by the Lords.]

SCHEDULE (A.)

COUNTIES.

BOROUGH.	STYLE OF CORPORATE BODY.
Carrickfergus -	<i>The Mayor, Sheriff, Burgesses and Commonalty of the Town of Carrickfergus.</i>
Cork - - -	<i>The Mayor, Sheriffs and Commonalty of the City of Cork.</i>
Drogheda - -	<i>The Mayor, Sheriffs, Burgesses and Commonalty of the County of the Town of Drogheda.</i>
Dublin - - -	<i>The Right honourable the Lord Mayor, Sheriffs, Commons and Citizens of the City of Dublin.</i>
Galway - - -	<i>The Mayor, Sheriffs, Free Burgesses and Commonalty of the Town and County of the Town of Galway.</i>
Kilkenny - -	<i>The Mayor and Citizens of the City of Kilkenny.</i> <i>The Portreeve, Burgesses and Commons of the Borough or Town of Irishtown.</i>
Limerick - -	<i>The Mayor, Sheriffs and Citizens of the City of Limerick.</i>
Waterford - -	<i>The Mayor, Sheriffs and Citizens of County of the City of Waterford, in the Kingdom of Ireland.</i>
City and Liberties } of Londonderry }	<i>The Mayor, Commonalty and Citizens of Londonderry.</i>

TOWNS NOT COUNTIES.

BOROUGH.	STYLE OF CORPORATE BODY.
Ardee - - -	<i>The Portreeve, Burgesses and Commons of the Corporation of Atherdee.</i>
Armagh - - -	<i>The Sovereign, Free Burgesses and Commonalty of the Borough of Armagh.</i>
Athlone - - -	<i>The Sovereign, Bailiffs, Burgesses and Freemen of the Town of Athlone.</i>
Athy - - - -	<i>The Sovereign, Bailiffs, Free Burgesses and Commonalty of the Borough of Athy.</i>
Bandon - - -	<i>The Provost, Free Burgesses and Commonalty of the Borough of Bandon Bridge.</i>
Bangor - - -	<i>The Provost, Free Burgesses and Commonalty of the Borough of Bangor.</i>
Belfast - - -	<i>The Sovereign, Free Burgesses and Commonalty of the Borough of Belfast.</i>
Belturbet - -	<i>The Provost, Free Burgesses, and Commonalty of the Borough of Belturbet.</i>
Boyle - - - -	<i>The Borough Master, Free Burgesses and Commonalty of the Borough of Boyle.</i>
Callan - - - -	<i>The Sovereign, Burgesses and Freemen of Callan.</i>

TOWNS NOT COUNTIES—continued.

BOROUGH.	STYLE OF CORPORATE BODY.
Carlow - -	<i>The Sovereign, Free Burgesses and Commonalty of the Borough of Catherlagh.</i>
Cashel - -	<i>The Mayor, Aldermen, Bailiffs, Citizens and Commons of the City of Cashel.</i>
Charleville -	<i>The Sovereign, Bailiffs and Burgesses of the Borough of Charleville.</i>
Clognakilty -	<i>The Sovereign, Free Burgesses and Commonalty of the Borough of Clognakilty.</i>
Clonmel - -	<i>The Mayor, Free Burgesses and Commonalty of the Town of Clonmel.</i>
Coleraine - -	<i>The Mayor, Aldermen and Burgesses of the Town of Coleraine.</i>
Dingle - -	<i>The Sovereign, Burgesses and Commonalty of the Town of Dingle-i-Couch.</i>
Dundalk - -	<i>The Bailiff, Burgesses and Commonalty of the Borough of Dundalk.</i>
Dungannon -	<i>The Provost, Free Burgesses and Commons of the Borough of Dungannon.</i>
Ennis - -	<i>The Provost, Free Burgesses and Commonalty of the Town of Ennis.</i>
Enniscorthy -	<i>The Portreeve, Free Burgesses and Commonalty of the Borough of Enniscorthy.</i>
Enniskillen -	<i>The Portreeve, Free Burgesses and Commonalty of the Borough of Enniskillen.</i>
Fethard - -	<i>The Sovereign, Chief Burgesses, Portreeve and Freemen of the Town of Fethard.</i>
Gorey - -	<i>The Sovereign, Burgesses and Free Commons of the Borough and Town of Newborough.</i>
Kells - -	<i>The Sovereign, Provosts, Burgesses and Commonalty of the Borough of Kells.</i>
Kinsale - -	<i>The Sovereign, Burgesses and Commonalty of the Town of Kinsale.</i>
Longford - -	<i>The Sovereign, Bailiffs and Burgesses of the Borough of Longford.</i>
Maryborough -	<i>The Burgomaster, Bailiffs, Burgesses and Commonalty of Maryborough.</i>
Monaghan - -	<i>The Provost, Free Burgesses and Commonalty of the Borough of Monaghan.</i>
Naas - -	<i>The Sovereign, Provost, Burgesses and Commonalty of Naas.</i>
Navan - -	<i>The Portreeve, Burgesses and Freemen of the Town or Borough of Navan.</i>
New Ross - -	<i>The Sovereign and Burgesses of New Ross.</i>
Portarlington -	<i>The Sovereign, Bailiffs and Burgesses of the Borough and Town of Portarlington.</i>
Sligo - -	<i>The Provost, Free Burgesses and Commonalty of the Borough of Sligo.</i>
Strabane - -	<i>The Provost, Free Burgesses and Commonalty of the Town of Strabane.</i>
Tralee - -	<i>The Provost, Free Burgesses and Commonalty of the Borough of Tralee.</i>
Trim - -	<i>The Portreeve, Burgesses and Freemen of Trim.</i>
Tuam - -	<i>The Sovereign, Free Burgesses and Commonalty of the Borough of Tuam.</i>
Wexford - -	<i>The Mayor, Bailiffs, Free Burgesses and Commonalty of the Town or Borough of Wexford.</i>
Wicklow - -	<i>The Portreeve, Free Burgesses and Commonalty of the Borough of Wicklow.</i>
Youghal - -	<i>The Mayor, Bailiffs, Burgesses and Commonalty of the Town of Youghal.</i>

SCHEDULE (B.) ⁽¹⁾

No. 1.

FORM of PROCESS of ATTACHMENT of GOODS in COURT of RECORD.

Borough of L. to wit. } ATTACH the Defendant by his Goods and Chattels, if
 A. B. of, &c. in, &c. [Name, Residence and Addition of Plaintiff.] } found within the jurisdiction of this Court, so that he be before
 Plaintiff. } the Recorder of the said Borough at on
 C. D. of, &c. in, &c. [Name, Residence and Addition of Defendant.] } day, the day of
 Defendant. } next after the date hereof, to answer the Plaintiff's Suit in an
 Action for the Sum of [here insert the amount of the Demand,] for [here insert the cause of
 Action], and have you then there this Writ.
 Dated this day of One thousand eight hundred
 G. H. Registrar.
 To

No. 2.

FORM of SUMMONS in COURT of CONSCIENCE.

Borough of L. to wit. } BY the ⁽²⁾ Judge of the Court of Conscience for the said
 A. B. of, &c. in, &c. [Name, Residence and Addition of Plaintiff.] } Borough: The Defendant is hereby required personally to
 Plaintiff. } appear before the said ⁽³⁾ Judge at on
 C. D. of, &c. in, &c. [Name, Residence and Addition of Defendant.] } day, the day of
 Defendant. } next after the date hereof, to answer the Plaintiff's Suit for th
 Sum of [here insert the amount of the Debt], for [here insert the particulars of the Demand]:
 on default thereof, the said ⁽⁴⁾ Judge will proceed as to justice shall appertain.
 Dated this day of One thousand eight hundred
 Signed on behalf of the Plaintiff, }

SCHEDULE (A.)

BOROUGHs which are to have a COMMISSION of the PEACE.

HOUSEHOLD FRANCHISE, TEN POUNDS.

PARLIAMENTARY BOUNDARIES to be taken.

BOROUGH.	Wards.	Aldermen.	Councillors.	STYLE OF CORPORATE BODY.
BELFAST - -	5	10	30	The Sovereign, Free Burgesses and Commonalty of the Borough of Belfast.
CORK - - -	8	16	48	The Mayor, Sheriffs and Commonalty of the City of Cork.
DUBLIN - - -	16	16	48	The Right honourable the Lord Mayor, Sheriffs, Commons and Citizens of the City of Dublin.
GALWAY - -	5	10	30	The Mayor, Sheriffs, Free Burgesses and Commonalty of the Town and County of the Town of Galway.
KILKENNY - -	3	6	18	The Mayor and Citizens of the City of Kilkenny.
LIMERICK - -	5	10	30	The Portreeve, Burgesses and Commons of the 183 Borough or Town of Irishtown.
WATERFORD -	5	10	30	The Mayor, Sheriffs and Citizens of the City of Limerick. The Mayor, Sheriffs and Citizens of County of the City of Waterford, in the Kingdom of Ireland.

⁽¹⁾ (F.)⁽²⁾ President⁽³⁾ President⁽⁴⁾ President

SCHEDULE (B.)

HOUSEHOLD FRANCHISE, FIVE POUNDS.

PARLIAMENTARY BOUNDARIES to be taken.

BOROUGH.	Wards.	Aldermen.	Councillors.	STYLE OF CORPORATE BODY.
CLONMEL - -	3	6	18	The Mayor, Free Burgesses and Commonalty of the Town of Clonmel.
DROGHEDA - -	3	6	18	The Mayor, Sheriffs, Burgesses and Commonalty of the County of the Town of Drogheda.
LONDONDERRY -	3	6	18	The Mayor, Commonalty and Citizens of Londonderry.
184 SLIGO - - -	3	6	18	The Provost, Free Burgesses and Commonalty of the Borough of Sligo.

SCHEDULE (C.)

SECTION 1.—PARLIAMENTARY BOUNDARIES to be taken.

BOROUGH.	Wards.	Aldermen.	Councillors.	STYLE OF CORPORATE BODY.
ARMAGH - -	-	6	18	The Sovereign, Free Burgesses and Commonalty of the Borough of Armagh.
ATHLONE - -	-	6	18	The Sovereign, Bailiffs, Burgesses and Freemen of the Town of Athlone.
BANDON - -	-	6	18	The Provost, Free Burgesses and Commonalty of the Borough of Bandon Bridge.
CARLOW - -	-	6	18	The Sovereign, Free Burgesses and Commonalty of the Borough of Catherlagh.
CARRICKFERGUS	-	6	18	The Mayor, Sheriff, Burgesses and Commonalty of the Town of Carrickfergus.
185 CASHEL - -	-	6	18	The Mayor, Aldermen, Bailiffs, Citizens and Commons of the City of Cashel.
COLERAINE - -	-	4	12	The Mayor, Aldermen and Burgesses of the Town of Coleraine.
DUNDALK - -	-	6	18	The Bailiff, Burgesses and Commonalty of the Borough of Dundalk.
DUNGANNON -	-	4	12	The Provost, Free Burgesses and Commons of the Borough of Dungannon.
ENNIS - -	-	6	18	The Provost, Free Burgesses and Commonalty of the Town of Ennis.
ENNISKILLEN -	-	4	12	The Portreeve, Free Burgesses and Commonalty of the Borough of Enniskillen.
KINSALE - -	-	6	18	The Sovereign, Burgesses and Commonalty of the Town of Kinsale.
NEW ROSS - -	-	4	12	The Sovereign and Burgesses of New Ross.
PORTARLINGTON	-	4	12	The Sovereign, Bailiffs and Burgesses of the Borough and Town of Portarlington.
TRALEE - -	-	6	18	The Provost, Free Burgesses and Commonalty of the Borough of Tralee.
186 WEXFORD - -	-	6	18	The Mayor, Bailiffs, Free Burgesses and Commonalty of the Town or Borough of Wexford.
YOUGHAL - -	-	6	18	The Mayor, Bailiffs, Burgesses and Commonalty of the Town of Youghal.

SECTION 2.—BOUNDARIES to be declared by Parliament. Ancient Boundaries to be taken in the mean time.

BOROUGH.	Wards.	Aldermen.	Councillors.	STYLE OF CORPORATE BODY.
ARDEE - - -	-	4	12	The Portreeve, Burgesses and Commons of the Corporation of Atherdee.
ATHY - - -	-	4	12	The Sovereigns, Bailiffs, Free Burgesses and Commonalty of the Borough of Athy.
BANGOR - - -	-	4	12	The Provost, Free Burgesses and Commonalty of the Borough of Bangor.
BELTURBET - -	-	4	12	The Provost, Free Burgesses and Commonalty of the Borough of Belurbet.
BOYLE - - -	-	4	12	The Borough Master, Free Burgesses and Commonalty of the Borough of Boyle.
CALLAN - - -	-	4	12	The Sovereign, Burgesses and Freemen of Callan. 187
CHARLEVILLE -	-	4	12	The Sovereign, Bailiffs and Burgesses of the Borough of Charleville.
CLOGHNAKILTY -	-	4	12	The Sovereign, Free Burgesses and Commonalty of the Borough of Cloghnakilty.
DINGLE - - -	-	4	12	The Sovereign, Burgesses and Commonalty of the Town of Dingle-i-couch.
ENNISCORTHY -	-	4	12	The Portreeve, Free Burgesses and Commonalty of the Borough of Enniscorthy.
FEATHARD - -	-	4	12	The Sovereign, Chief Burgesses, Portreeve and Freemen of the Town of Fithard.
GOREY - - -	-	4	12	The Sovereign, Burgesses and Free Commons of the Borough and Town of Newborough.
KELLS - - -	-	4	12	The Sovereign, Provosts, Burgesses and Commonalty of the Borough of Kells.
LONGFORD - - -	-	4	12	The Sovereign, Bailiffs and Burgesses of the Borough of Longford.
MARYBOROUGH -	-	4	12	The Burgomaster, Bailiffs, Burgesses and Commonalty of Maryborough.
MONAGHAN - -	-	4	12	The Provost, Free Burgesses and Commonalty of the Borough of Monaghan.
NAAS - - -	-	4	12	The Sovereign, Provost, Burgesses and Com-188 monalty of Naas.
NAVAN - - -	-	4	12	The Portreeve, Burgesses and Freemen of the Town or Borough of Navan.
STRABANE - - -	-	4	12	The Provost, Free Burgesses and Commonalty of the Town of Strabane.
TRIM - - -	-	4	12	The Portreeve, Burgesses and Freemen of Trim.
TUAM - - -	-	4	12	The Sovereign, Free Burgesses and Commonalty of the Borough of Tuam.
WICKLOW - - -	-	4	12	The Portreeve, Free Burgesses and Commonalty of the Borough of Wicklow.

SCHEDULE (D.)

No. 1.

THE LIST OF BURGESSES of the Borough of

[or, in the Parish or Precinct, or Ward of

in the

Borough of

.]

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Christian Name and Surname of each Person at full length.	Street, Lane or other Place in this Borough, [or, Parish, Precinct or Ward in this Borough], where the Property in respect whereof the Party is to be enrolled, is situate.
Andrews, Peter - - - - -	No. 1, Green-street.
Brady, Thomas - - - - -	No. 3, White's-lane.

Dated the

day of

in the year

(signed) A. B.

Churchwarden of the said Parish [or, Town Clerk of the
said Borough, or, Alderman of the said Ward, &c.]

No. 2.

NOTICE OF CLAIM.

To the Town Clerk of the Borough of

I HEREBY give you Notice, That I claim to have my Name enrolled in the Burgess Roll of the Borough of , and that I occupy [here describe the House, Warehouse, Counting-house or Shop then occupied by the Claimant.] in the said Borough, of the full yearly value of Pounds or upwards, and that I have occupied the said

190 Premises, [or, the said Premises or other Premises, describing such other Premises, within the said Borough,] for the space of last past.

Dated the

day of

in the year

(signed) HENRY STILES.

No. 3.

NATURE OF OBJECTION.

To the Town Clerk of the Borough of

I HEREBY give you Notice, That I object to the Name of Thomas Brady, of White's-lane, in this Borough, [describe the Person objected to as described in the List of the Churchwardens, Town Clerk or Alderman of the Ward, &c.] being retained on the Burgess Roll of the Borough of

Dated the

day of

in the year

(signed) MICHAEL MEARES, of [here state the Place of Abode and Property, in respect of which he is said to be entitled to be enrolled in the List of the Churchwardens, Town Clerk or Alderman of the Ward, &c.]

No. 4.

LIST OF CLAIMANTS.

THE following Persons claim to have their Names inserted on the Burgess Roll of the 191
Borough of

Christian Name and Surname of each Claimant.	Present Occupancy.	Former Occupancy, as stated in the Claim.
Henry Stiles -	--House, No. 10, Capel-street.	-- Shop, No. 17, Henry-street, during the last month, and House, No. 6, Aston's Quay, during the five preceding months.

Dated the day of in the year
(signed) A. B. Town Clerk

No. 5.

LIST OF PERSONS OBJECTED TO.

THE following Persons have been objected to as not being entitled to have their Names
retained on the Burgess Roll of the Borough of

Christian Name and Surname of each Person objected to.	Property in respect of which he is said to be entitled to be enrolled in the List of the Churchwardens, Town Clerk or Alderman of the Ward, &c.	
Thomas Brady -	No. 3, White's Lane.	192

Dated the day of in the year
(signed) A. B. Town Clerk.

SCHEDULE (E.)

BELFAST - - -	-- An Act for paving, cleansing, and lighting and improving the several Streets, Squares, Lanes and Passages, within the Town of Belfast, in the County of Antrim, and for removing and preventing all Encroachments, Obstructions and Annoyances therein; and also for establishing and maintaining a Nightly Watch throughout the said Town and Precincts thereof, and for other purposes. [40 Geo. 3, c. 37.]
	An Act to explain and amend an Act of His present Majesty, for paving, cleansing, lighting and otherwise improving the Town of Belfast, in the County of Antrim, and for better effecting those purposes. [56 Geo. 3, c. 57.]

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- 193 CORK - - - - - -- An Act for the Regulation of the City of Cork, and for other purposes therein mentioned, relative to the said City. [12 Geo. 3, c. 18.]
- An Act for the better Regulation of the Police of the City of Cork, and for other purposes relative to the said City. [17 & 18 Geo. 3, c. 38.]
- An Act for the more equal Assessment of Money presented to be raised by the Grand Jury of the County of the City of Cork, and for a new Valuation of the said City, and Survey of the Liberties thereof; and for other purposes relative to Grand Juries. [53 Geo. 3, c. 111.]
- An Act to explain and amend an Act of His present Majesty, for the more equal Assessment of Money presented to be raised by the Grand Jury of the County of the City of Cork, and for a new Valuation of the said City, and Survey of the Liberties thereof; and for other purposes relative to Grand Juries. [55 Geo. 3, c. 82.]
- 194 DROGHEDA - - - - - -- An Act for the better regulating the Parish Watches, and amending the Highways in this Kingdom, and for preventing the misapplication of Public Money. [6 Geo. 1, c. 10.]
- An Act for continuing and amending an Act, intituled, "An Act for the better regulating the Parish Watches, and amending the Highways in this Kingdom, and for preventing the misapplication of Public Money;" and also for establishing a regular Watch in the City of Dublin, and to prevent Mischiefs which may happen by graving Ships in the River Liffey. [10 Geo. 1, c. 3.]
- An Act for continuing and amending an Act, intituled, "An Act for the better regulating the Parish Watches, and amending Highways in this Kingdom, and for preventing the misapplication of Public Money; and also for establishing a regular Watch in the City of Dublin, and to prevent Mischief which may happen by graving in the River Liffey;" and also for regulating the Watch in the Town of Drogheda. [5 Geo. 3, c. 22.]
- 195 LIMERICK - - - - - -- An Act for paving, cleansing, lighting and watching the Parish of St. Michael, in the Liberties of the City of Limerick, and adjoining the said City, and for preventing and removing Nuisances therein. [47 Geo. 3, Sess. 2, c. 75.]
- An Act for altering and enlarging the powers of an Act of His present Majesty, for paving, cleansing, lighting and watching the Parish of St. Michael, in the Liberties of the City of Limerick, and adjoining the said City, and for preventing and removing Nuisances therein. [51 Geo. 3, c. 104.]
- LONDONDERRY - - - - - -- An Act for building a Bridge over the River Lough Foyle, at the City of Londonderry, and the Suburbs thereof, and for certain Regulations relative to said City. [30 Geo. 3, c. 31.]
- An Act for amending an Act passed in the thirtieth year of His Majesty's reign, intituled, "An Act for building a Bridge over Lough Foyle, at the City of Londonderry, and the Suburbs thereof, and for certain Regulations relative to said City. [40 Geo. 3, c. 41.]
- 196 An Act to amend two Acts, so far as relate to supplying the City of Londonderry with Water, improving the Harbour of the said City, and the Regulation of Pilots and Vessels using the same; and for extending the Jurisdiction of the Court held in the said City for the recovery of Small Debts. [48 Geo. 3, c. 136.]
- An Act for rebuilding or repairing a Bridge across the River Foyle or Lough Foyle at Londonderry; for enabling the Corporation of that City to raise Money for that purpose; to authorize the advance of a certain Sum of Money out of the Consolidated Fund of Ireland; and for regulating the Fairs and Markets, and improving the Race Course there. [54 Geo. 3, c. 230.]

LONDONDERRY
—continued.

-- An Act to amend an Act of the thirtieth year of his late Majesty, for lighting and improving the City of Londonderry.
[5 Geo. 4, c. 152.]

An Act to amend several Acts relating to the City of Londonderry.
[6 Geo. 4, c. 180.]

An Act to make more effectual Provisions for lighting, cleansing and watching the City of Londonderry, and to amend several Acts relating to the said City. 197
[2 & 3 Will. 4, c. 107.]

SLIGO - - - -

-- An Act for repealing so much of an Act made in the third year of the reign of King George the Second, intituled, "An Act for cleansing the Ports, Harbours and Rivers of the City of Cork, and of the Towns of Galway, Sligo, Drogheda and Belfast, and for erecting a Ballast Office in the said City, and each of the said Towns, as relates to the Port and Harbour of the Town of Sligo;" and for repealing an Act made in the fortieth year of the reign of His present Majesty, intituled, "An Act for paving, cleansing, lighting and improving the Streets, Quays, Lanes and Passages, in the Town of Sligo, in the County of Sligo; for establishing a Nightly Watch in the said Town; for supplying the said Town with Pipe Water; and for improving and regulating the Port and Harbour thereof, and for making better Provision for the paving, lighting, watching, cleansing and improving of the said Town of Sligo; and for regulating the Porters and Carmen employed therein; and for the better Regulation and Improvement of the Port and Harbour thereof." 198
[43 Geo. 3, c. 60.]

WATERFORD -

-- An Act for better regulating the Police of the City of Waterford.
[23 & 24 Geo. 3, c. 52.]

7/45

Municipal Corporations.

(Ireland.)

A

B I L L,

[AS AMENDED BY THE LORDS]

INTITULED,

AN ACT for the Regulation of ⁽¹⁾ *Cities and
certain Borough Towns in Ireland, and for
abolishing Municipal Corporations therein.*

⁽¹⁾ Municipal Corporations and

*Ordered, by The House of Commons, to be Printed,
19 May 1836.*

[*Price 1s. 3d.*]

CLAU S E.

And be it further Enacted, That in every Town in *Ireland* mentioned in the said Schedule (C.) to this Act annexed, in which there are now acting Commissioners, elected under the provisions of the said recited Act of the ninth year of the reign of his late Majesty King GEORGE the Fourth, the Mayor, Aldermen and Common Councilmen, and all other members of the Common Council or Governing Body of the Body Corporate of such Town, by whatever name known or called, then in office, shall on the passing of this Act go out of office, and their whole power and duties shall cease; and in every other Town mentioned in said Schedule (C.), whenever Commissioners shall be elected therein, under the provisions of the said recited Act, or of the said Act, as amended by this Act, the Mayor, Aldermen and Common Councilmen, and all other members of the Common Council or Governing Body of the Body Corporate of such Town, by whatever name known or called, then in office, shall go out of office, and their whole power and duties shall cease; and in the first mentioned case, from and after the passing of this Act, and in every other case immediately after the election of such Commissioners, all the manors, advowsons, messuages, town-halls, public and other buildings, lands, rents, hereditaments, leasehold estates, goods, chattels, money, debts, stocks, funds, securities, personal estate and effects, and all other property whatsoever and wheresoever, and of what nature or kind soever, of or to which any Body Corporate in or of any Town named in the said Schedule (C.), or any one or more of the members of such Body Corporate, in his or their corporate capacity, is or are or shall be seised or possessed or entitled for any estate or interest whatsoever (except property held in trust for any charitable uses or trusts), and all the estate, right, title and interest of such Bodies Corporate, member or members, shall be and the same are hereby vested in such Commissioners respectively, subject to such mortgages, charges, debts and incumbrances, rents, contracts, covenants and conditions as the same respectively shall then be subject and liable to.

MUNICIPAL CORPORATIONS
(IRELAND),

CLAUSE.

1836.

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MUNICIPAL CORPORATIONS (IRELAND.)

C L A U S E S.

And be it Enacted, That the said Commissioners elected or to be elected as aforesaid in any Borough named in the said Schedule (C.) shall be Trustees for executing the powers and provisions of all Acts of Parliament made before the passing of this Act, (other than Acts made for securing charitable uses and trusts), and of all trusts (other than charitable uses and trusts) of which the Body Corporate, or any of the Members thereof in their corporate capacity, was or were sole Trustees before the passing of this Act, or before the time of the first election of such Commissioners in such Borough.

Commissioners to be Trustees of all Acts of which Corporators were *ex officio* sole Trustees, &c.

And be it Enacted, That in every Borough named in the said Schedule (C.) in which the Body Corporate, or a particular or limited number, class or description of Members of the Body Corporate, or of Persons appointed by the Body Corporate, was or were before the passing of this Act Trustees jointly with other Trustees for the execution of any Act of Parliament, or of any trust, and in every Borough named in the said Schedule (C.) in which the Body Corporate, or any particular or limited number, class or description of Members or Nominees of the Body Corporate, by any statute, charter, bye-law or custom, was or were before the passing of this Act lawfully appointed to or exercised any powers, duties or functions whatsoever not otherwise herein provided for, and the continuance of which is not inconsistent with the provisions of this Act, the Commissioners elected or to be elected as aforesaid of such Borough, on the day named in such Act as last aforesaid, or in the Deed or Will by which such trust is created for a new election, nomination or appointment of Trustees, or on which such new election, nomination or appointment has usually been made, (and if there shall be no such day named or usually observed, then on the First day of January in every year) shall appoint the like number of Persons properly qualified, or as near as may be, as there were theretofore Members or Nominees of such Corporate Body who in right of their office were such Trustees, or charged with the execution of such powers, duties and functions, in room of the Members or Nominees of such Corporate Body ceasing to be Trustees, or ceasing to exercise such powers, duties and functions by virtue of this Act, and in every case of extraordinary vacancy among the Trustees or Persons so appointed, shall forthwith appoint one other Person in the

Commissioners to appoint a limited number of Joint Trustees for certain purposes.

room of the Person by whom such vacancy has been made, and to hold his trust or office for such time as the Person by whom such vacancy has been made would regularly have held it.

Present Trustees of certain Acts continued for a definite time.

And be it Enacted, That notwithstanding any thing in this Act contained, every Member of any Body Corporate who in his corporate capacity, and every nominee of any Body Corporate, or any particular number, class or description of Members of such Body Corporate, who at the time of the passing of this Act shall be for a definite number of years or other shorter time a Trustee of such acts or trusts as last aforesaid, shall continue to be such Trustee until the time when he would have ceased to be such Trustee if this Act had not been passed; and if a Trustee for an indefinite time, or for life, or for so long as he shall be a Member, or of a particular class or description of such Body Corporate, then until the First day of January in the year One thousand eight hundred and Thirty-seven, and no longer; and every Commissioner appointed under the provisions of this Act to be a Trustee of such acts or trusts as last aforesaid shall continue to be such Trustee until the time herein provided for the new appointment of a Trustee in his room, notwithstanding that he may have ceased to be a Commissioner; and in case any particular Member or Officer of any of the said Bodies Corporate shall have been appointed by any such Act, or by any such Trust Deed or Will as last aforesaid, to perform during a definite number of years or other shorter time any specific powers, duties or functions whatsoever, the person who at the time of the passing of this Act shall be the person designated and qualified to perform the same, shall continue to perform the same until the time when he would have ceased to perform the same if this Act had not passed; and if appointed for an indefinite time, or for life, or for so long as he shall be a Member, or of a particular class or description of such Body Corporate, then until the First day of January in the year One thousand eight hundred and Thirty-seven, and no longer.

Powers vested in Trustees may be transferred to Commissioners.

AND whereas it may be expedient that the powers now vested in the Trustees or Commissioners appointed under sundry Acts of Parliament for paving or lighting or cleansing, or supplying with water, or improving certain Boroughs named in the said Schedule (C.), or certain parts thereof, save and except as hereinafter mentioned, should be transferred to and vested in the Commissioners elected or to be elected as aforesaid in such Boroughs respectively; BE it Enacted, That the Trustees or Commissioners appointed by virtue of any such Act of Parliament as last aforesaid, wherein the Trustees, or the persons whose Trustees they may be, are not beneficially interested, may, if it shall seem to them expedient, at a meeting to be called for that purpose, transfer in writing all the powers vested in them as such Trustees by any such Act or Acts of Parliament as aforesaid to the said Commissioners of such Borough,

Borough, and the said Commissioners of such Borough shall thenceforth be Trustees for executing the several powers and provisions of any such Act or Acts of Parliament, and shall have the same powers and be subject to the same duties as if their names had been originally inserted in such Act or Acts (or as if they had been elected under the provisions of any such Act or Acts) as such Trustees respectively.

MUNICIPAL CORPORATIONS
(IRELAND.)

CLAUSES.

13 June 1836.

C L A U S E.

AND whereas by the said recited Act of the ninth year of the reign of his late Majesty King GEORGE the Fourth, it is, amongst other things, enacted, that upon the application of Twenty-one or more householders residing in any City, Town Corporate, Borough, Market Town or other Town in *Ireland* the lighting, watching, cleansing or paving of which is not provided for under any Act of Parliament, each of such householders occupying a dwelling-house or other tenement of the annual value of Twenty Pounds or more, it shall be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to authorize the carrying of the said Act into execution, and for that purpose to order and direct that a meeting shall be convened; BE it Enacted, That so much of the said Act as requires, or may be construed to require, that an application shall be made by any number of householders to the Lord Lieutenant, or other Chief Governor or Governors in any Borough named in the first section of the Schedule (C.) to this Act annexed, shall be and the same is hereby Repealed, but so as not to affect any act already done under the provisions of said Act; and that from and after the passing of this Act, it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, without any application from any householder of any of the Towns mentioned in the first section of the said Schedule (C.), to direct that the said recited Act shall be carried into execution in all or any of the said Towns, and for that purpose to direct that any Two or more Justices of the Peace resident within Ten Miles of any such Town shall convene a meeting for the purpose of carrying the said Act, as altered by this Act, into execution, and shall preside thereat; and such order and direction shall be signified and published in the same manner as an order made under the said recited Act is thereby directed to be signified and published; and at every meeting so convened, the persons who under the provisions of the said Act would be entitled to vote at a meeting convened under the said Act, shall be entitled to vote, and it shall not be lawful for the said meeting to determine that the provisions of the said Act shall not be carried into execution as directed by such order, but the persons so assembled and entitled to vote shall proceed to elect Commissioners, as directed by the said Act, from among the persons qualified according to the provisions of said Act: Provided always, however, That in case a poll shall be demanded, it shall not be continued longer than the hour of Four of the clock in the afternoon on the second day of polling, but may be closed before that hour after the lapse of one hour without any person having tendered his vote; and the Commissioners elected as aforesaid shall have all the powers, rights and privileges which Commissioners elected under the said recited Act now have, and shall continue in office for the same period, and be bound to perform the same duties, and be liable to the same penalties as the Commissioners under the said Act are, and new Commissioners to supply their places shall be elected as is provided by the said Act with respect to the Commissioners elected under the provisions thereof.

MUNICIPAL CORPORATIONS
(IRELAND).

CLAU SE.

1836.

13 June 1836.

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Municipal Corporations (*Ireland*) Bill.

MEMORANDUM

OF

PROPOSED AMENDMENTS

On Consideration of the AMENDMENTS by The HOUSE OF LORDS
in the IRISH MUNICIPAL CORPORATIONS BILL.

Note.—The Pages refer to the Bill, as ordered to be printed 19 May 1836 (281.)
The Figures refer to the References in that print of the Bill to words struck out by
the Lords.

- Page 1. Restore the Title of the Bill as before:
In the Preamble restore the words struck out at ⁽²⁾, adding (and
whereas)
- Page 2. Disagree to the Amendments at ⁽¹⁾ ⁽²⁾ ⁽³⁾
- Page 3. Disagree to the Amendment at ⁽¹⁾
Restore the words struck out at ⁽⁶⁾, adding (or the)
- Page 4. After (shall be no such) line 2, insert (Borough or)
Restore CLAUSE 4
- Page 5. Restore CLAUSE 5, with the following Amendments:
Leave out from (A.) and (B.) line 3, to the end of the line, and from
(Parliament) line 9, to the end of the Clause¹¹⁷
Restore CLAUSE 6, with the following Amendments:
Leave out from (Burgesses of such Borough) line 26, to (Provided)
in line 35, and after (Ten Pounds) in line 5, from the bottom, leave
out (or Five Pounds respectively, as the case may be)
- Pages 6, 7. Restore CLAUSES 7, 8, 9
- Page 7. Disagree to the Amendments at ⁽¹⁾ ⁽²⁾ ⁽³⁾
Leave out from (not withstanding he) line 21, to (shall) line 22, and
from (notwithstanding he) line 28, to (shall) line 29
- Pages 7 to 13. Restore CLAUSES 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22.
- Page 14. Restore CLAUSE 23, with the following Amendment:
Leave out from (his debts) line 9, to (or shall occupy) line 16
- Pages 14 to 18. Restore CLAUSES 24, 25, 26, 27, 28, 29, 30, 31, 32
- Page 18. Disagree to the Amendments in CLAUSE 33 (V.); restore, with the
following Amendments in the passage struck out: At ⁽⁸⁾, leave out the
words (and (C.)) line 1 of that passage; leave out also from (provisions of
(0.97.) A this

this Act) line 5 of that passage, to (Provided also) line 10 of that passage

- Page 19. Restore **CLAUSE 34**, with the following Amendments :
 Leave out (the said Schedules (A.) and (B.)) line 4 of **CLAUSE 34**, and insert (the said Schedule (A.))
- Pages 19 to 21. Restore **CLAUSES 35, 36, 37, 38, 39, 40, 41.**
- Page 22. Restore **CLAUSE 42**, with the following Amendments :
 Leave out from (thousand Pounds) line 20, to (over and above) line 21), and from (debts) line 21, to (That) line 24.
- Pages 22 to 27. Restore **CLAUSES 43, 44, 45, 46, 47, 48, 49, 50, 51.**
- Page 31. Leave out **CLAUSE VI.**
 Line 8. Leave out (on the said First day of January One thousand eight hundred and Thirty-seven), and insert (at the time of the passing of this Act)
- Page 32. Line 4. Leave out (on the said First day of January One thousand eight hundred and Thirty-seven), and insert (at the time of the passing of this Act)
- Pages 32, 33. Leave out **CLAUSES IX, X, XI, XII, XIII.**
- Pages 33 to 35. Disagree to the Amendments in **CLAUSE 59 (XIV)**
 Restore **CLAUSE 60**
- Page 35. Disagree to the Amendments in **CLAUSE 61 (XV)**
- Pages 36 to 48. Restore **CLAUSES 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84.**
 Restore **CLAUSE 85**, with the following Amendment :
 Line 18. Instead of Schedules (A.) (B.) and (C.) insert Schedule (A.)
 Restore **CLAUSE 86.**
 Restore **CLAUSE 87**, with the following Amendment :
 Line 18, instead of Schedules (A.) (B.) and (C.), insert Schedule (A.)
- Page 49. Restore **CLAUSES 88, 89, 90, 91, 92, 93.**
- Pages 49 to 52. Disagree to the Amendments in **CLAUSE 94 (XVI)**
- Page 52. Disagree to the Amendments in **CLAUSE 95 (XVII)**
- Page 53. Restore **CLAUSE 96.**
 Disagree to the Amendments in **CLAUSE 97 (XVIII)**
- Pages 58 to 61. Restore **CLAUSES 100, 101, 102, 103.**
- Page 61. Insert New **CLAUSES 0.95, 0.94 0.94¹**, delivered with the Votes.
- Pages 61 to 65. Leave out **CLAUSES XIX, XX, XXI, XXII, XXIII.**
- Page 66. Leave out from (who) line 8, to (shall owe) line 9
 Line 10. Instead of Schedule (A.) insert (Schedules)
 Line 12. After (same to the) insert (Council or)
 Instead of (appointed) insert (elected)
 Leave out from (which), line 13, to (shall) line 14.
 After (the said) line 16, insert (Council or)
 Leave out from (entered into) line 22, to the end of line 23.
 After (the said) line 25, insert (Council or)
 Leave out from (who) line 30, to (shall) line 31.
 Instead of Schedule (A.) line 34, insert (Schedules)

- Page 66. Leave out from (Corporate) line 38, to (shall) line 39
After (said), in lines 41 and 42, insert (Council or)
- Page 67. Leave out from (made) line 1, to the end of the Clause.
Leave out **CLAUSE XXVI.**
Leave out from (shall) line 17, to the end of the Clause, and insert
(have full power to purchase and hold Lands, Tenements and Hereditaments for the purposes of this Act, and may sue and be sued in the name of their Clerk for the time being)
Leave out **CLAUSES XXVIII, XXIX, XXX.**
- Page 68. Insert before (Commissioners) in line 16, 25, 27, 28, 39, (Council or)
After (Treasurer) in line 24, insert (Town Clerk)
- Page 69. Line 1, after (Council) insert (or Commissioners)
Insert before (Commissioners) in lines 3, 6, 8, 32, 34, 38, (Council or)
- Page 70. Insert before (Commissioners) in lines 1, 5, 10, 23, 27, (Council or)
Line 4, instead of (Schedule (A.)), insert (Schedules)
In line 29, leave out (vested in them by virtue of this Act)
Line 32, instead of (a separate) insert (an)
Line 33, instead of (A.) insert (C.)
Line 3 from the bottom, after (Bank of *Ireland*) insert (or the Provincial Bank of *Ireland*)
- Page 71. Leave out **CLAUSE XXXVI.**
Before (Commissioners) lines 24, 28, 35, insert (Council or)
Leave out from (Commissioners) line 28, to (are hereby)
Before (Commissioners) line 29, insert (Ecclesiastical)
Instead of line 36 insert (Borough or Town Fund)
- Page 72. Leave out from (dissolved) line 7, to (and the) line 8, and from
(dissolved) line 12, to (and that) line 13.
Leave out from (effectual) line 16, to the end of the page.
- Page 73. Leave out from the top of the page to (and in case) line 12.
Before (Commissioners) line 16, insert (Council or)
Before (Town Fund) line 18, insert (Borough or)
Leave out from (time to time) line 24, to (to cause) line 28.
Before (Town) line 31, insert (Borough or)
Leave out (Town) before (Fund) in lines 33, 36.
Add at the end of the **CLAUSE XL.** (and may sell and alienate or mortgage, demise and lease the property comprised in such Fund, in the same manner, and with the same approbation, and subject to the same conditions as the Council of any Borough named in the said Schedules (A.) and (B.))
- Page 74. Leave out from (Town Fund) line 4, to (where there was) line 7.
Leave out (Recorder) line 11.
Leave out from (shall be) line 13, to (think proper) line 20, and insert (applied by the Commissioners in aid or diminution of the rates to be received by them under the provisions of the said Act of his late Majesty)
(o.97.)

Page 74. Leave out from (thereof) line 22, to (for) line 25, and insert (shall be applied by the said Commissioners).

Line 27, insert (Council and) before (Commissioners)

Line 31, instead of (Schedule (A.)) insert (Schedules)

Leave out from (annexed) line 32, to (and also) line 34.

Line 3 from bottom, instead of (of such Town Funds respectively, and of the) insert (and)

Page 75. Before (Commissioners) lines 1, 6, 14, 18, insert (Council or)

Before (Town) lines 3, 22, insert (Borough, or)

Line 5, leave out (Town)

Line 8, before (abolish) insert (reduce or)

Line 9, instead of (Town) insert (such)

Line 14, before (abolition) insert (reduction or)

Line 15, leave out (as shall be abolished as aforesaid)

Line 24, after (station) leave out to the end of the Clause.

Leave out from (Commissioners) line 28, to (Town Clerk) line 32, and insert (to remove every)

Line 34, insert (C.) instead of (A.)

Line 7 from the bottom, instead of (to be appointed by virtue of this Act) insert (elected or to be elected as aforesaid)

Page 76. Line 5, instead of (Member) insert (Officers)

Line 6, leave out (or Officer or Person)

Leave out from (office) line 7, to the end of line 8.

Leave out (or Person) lines 11, 12, 31.

Line 41, leave out (under the seal), and insert (signed by the Chairman)

Page 77. Line 11, leave out (under their common seal), and insert (signed by their Chairman)

Lines 17, 28, 32, leave out (the Commissioners to be appointed), and insert (the said Commissioners elected or to be elected)

Leave out **CLAUSE LII.**

Page 78. Line 8, leave out (said)

Line 13, leave out (after the passing of this Act), and insert (¹) in the counties of the cities of *Cork, Dublin, Kilkenny, Limerick and Waterford*, and in the counties of the towns of *Carrickfergus, Drogheda and Galway*, the Lord Lieutenant shall, before the Twenty-ninth day of *September* in this year, appoint a fit person to execute the office of Sheriff, with the like duties and powers as the Sheriffs, or the persons filling the office of Sheriff in the said cities and counties respectively would have had if this Act had not passed, who shall continue in his office until the Eleventh day of February next, unless removed by the Lord Lieutenant; and in case a vacancy shall be occasioned in the office of Sheriff of such Borough during such period, by the death of the person who shall have been appointed to such office, or his removal, the Lord Lieutenant shall appoint another fit person to be the Sheriff, instead of the person so dying or removed, who shall hold such office

for

Page 78. for the period during which the person so dying would have held it, unless removed as aforesaid, and so from time to time as occasion may require ; and every person who at the time of the passing of this Act shall hold the office or execute the duties of Sheriff in the said counties of cities and towns respectively, shall continue to hold and execute the same until the first appointment of a Sheriff therein under the provisions of this Act, and no longer, and in every year after this year)

Line 21, leave out (Thirty-first day of December next), and insert (passing of this Act)

Line 23, before (Town) insert (City or)

Leave out (said Schedule (A.)) and insert (Schedules)

Line 25, after (shall) insert (cease, and the like duties and powers shall)

Line 26, leave out (the county in which such town is situated) and insert (such city or town, being a county of a city or town, or if it shall not be a county of a city or town, by the Sheriff of the county in which it is situated)

Line 27, leave out (said Thirty-first day of December next) and insert (passing of this Act)

Leave out from (Borough) line 29, to (shall) line 31, and insert (said Schedules)

At the end of Clause LV. add (and shall hold such election and give notice thereof within the time within which a Sheriff of a city in *Ireland* is now bound so to do)

Page 79. Leave out from (That) line 3, to (and) line 9, and insert the Council of every Borough in which a separate Court of Quarter Sessions of the Peace shall be holden, as is hereinafter provided, shall, within Ten Days next after the grant of the said Court shall have been signified to the Council of such Borough, appoint a fit person, not being an Alderman or Councillor, to be Coroner of such Borough so long as he shall well behave himself in his office of Coroner, and shall fill up every vacancy in the office of Coroner of the Borough occurring by death, resignation or removal, within Ten Days next after such vacancy)

At the end of Clause LVIII. add (until a Coroner shall be appointed therein under the provisions of this Act, and no longer : Provided also, That it shall be lawful for the Council of any City in which there is a Coroner, to appoint a second Coroner for such City, if required by the Lord Lieutenant, but not otherwise)

Line 7 from the bottom, after (he), insert (or the second Coroner appointed as aforesaid)

Last line, leave out (Schedule (A.)) and insert (Schedules)

Page 80. Line 1, after (town) insert (and to which no such separate Court of Quarter Sessions shall be granted)

Leave out CLAUSE LXI.

Page 80.

Add to the end of Clause LXII. (and for every Borough to which a separate Court of Quarter Sessions shall be granted)

Leave out CLAUSE LXIII.

Page 82.

Line 12, leave out from (him) to (then)

Line 13, leave out (hereinafter mentioned), and insert (of One hundred and fifty Pounds: Provided nevertheless, That nothing herein contained shall be construed to give any better or other title to any such Recorder than he would have had to hold such office if this Act had not been passed; and that any proceeding or information in the nature of a Quo Warranto or otherwise, for the purpose of removing any such Recorder, may be instituted or continued as if this Act had not been passed; and that for every such county of a city or county of a town, or city and liberties, in which there shall be no such Recorder or Deputy Recorder, or in which such Recorder shall be ousted from his office in consequence of any such proceeding or information)

Line 23, after (vacancy), insert (and the Council of every Borough which shall be desirous that a separate Court of Quarter Sessions of the Peace shall be or continue to be holden in and for such Borough, shall signify the same by Petition to the Lord Lieutenant and Privy Council in *Ireland*, setting forth the grounds of the application, and the Salary which they are willing to pay to the Recorder in that behalf; and if His Majesty shall be pleased thereupon to grant that a separate Court of Quarter Sessions of the Peace shall thenceforward be holden in and for such Borough, the Lord Lieutenant may appoint for such Borough, or for any Two or more of such Boroughs conjointly, a fit person, being a Barrister at Law of not less than Six Years' standing, who shall be and be called the Recorder of such Borough or Boroughs, and shall hold such office during his good behaviour; and the Lord Lieutenant upon any vacancy in any such office may appoint another fit person, being a Barrister at Law of not less than Six Years' standing, to be the Recorder in the place of the person so making such vacancy)

Line 25, after (Liberties) insert (or of any such Borough)

Line 26, after (Liberties) insert (or Borough)

Line 30, after (sum) leave out (of Pounds) and insert (mentioned in such Petition)

Leave out from (of the) line 32, to (provided) line 33, and insert (out of the Borough or Town Fund of such Town)

Page 83.

Line 3, instead of (shall not be disqualified by such office), insert (nothing herein contained shall be construed to disqualify any such Recorder)

After (Liberties of), line 24, insert (or Borough of)

After (That), line 26, insert (in every Borough being a county of a city or county of a town, wherein the office of Clerk of the Crown or Clerk of the Peace is now by law in the appointment of the Corporation of such Borough, or any member or officer thereof, or held by any officer thereof in right of his office, and in every Borough,

- Page 83. Borough, not being a county of a city or county of a town, to which a separate Commission of the Peace shall be granted, it shall and may be lawful for the Lord Lieutenant to grant from time to time to any person the offices of Clerk of the Peace and Clerk of the Crown of such Borough, or either of them)
- Page 84. Leave out from the top to (appoint) line 2, and insert (and to) Disagree to the Amendments in Clause 106 (LXVIII.)
- Page 85. Line 24, instead of (Schedule (A.)) insert (Schedules)
- Page 86. Lines 2, 25, instead of (Schedule (A.)) insert (Schedules)
- Page 87. Line 21, after (Londonderry), insert (and in every Borough to which His Majesty may grant, as aforesaid, a separate Court of Sessions of the Peace)
 Line 23, leave out from (actions) to (and)
 Line 26, after (Liberties) insert (or Borough)
- Page 88. Lines 17, 26, after (Liberties) insert (or Borough)
- Page 89. Leave out from the top to (the Lord) line 4, and insert (and in every Borough in which there shall be a Court of Record)
 Line 6, leave out from (record) to (and)
 Line 8, leave out (Recorder) and insert (person so appointed shall be Registrar)
 Leave out from (such) line 8, to (shall) line 9, and insert (Court and the Lord Lieutenant)
 Line 10, leave out from (deem) to (necessary)
 Line 11, leave out (Court); restore the passage struck out at ⁽⁸⁾, with the following Amendment:
 Leave out (Courts respectively) in line 1 of that passage, and leave out from (either of them) in line 10 of that passage to the end.
 Disagree to the Amendment at ⁽¹¹⁾
- Page 90. At ⁽¹⁾ insert (Corporate Body or the)
 Restore CLAUSES 117, 118.
- Page 91. Line 8, after (Liberties) insert (or Borough)
- Page 92. Line 3, after (Liberties) insert (or Borough)
 Restore the words struck out at ⁽³⁾
- Page 93. Line 15, after (Liberties) insert (or Borough)
 Leave out the last two lines.
- Page 94. Leave out from the top to (the Lord) in line 3.
 Add at the end of Clause LXXXIV. (and also fit persons to be the Officers of such Court)
 Leave out from (passed) line 21, to (until) line 22.
- Page 95. Line 6, insert (Schedules) for (Schedule (A.))
 Leave out CLAUSE LXXXVII.
 Leave out from (Court), line 27, to the end of Clause LXXXVIII.
- Page 96. Disagree to the Amendment at ⁽⁴⁾
- Page 99. Lines 21, 22, before ('Town) insert (Borough or)
 (O.97.)

Restore

Page 99. Restore **CLAUSE 129** ; amended as follows :—

(And be it Enacted, That the Recorder of every Borough shall and he is hereby required within Six calendar Months next after his appointment, or after the passing of this Act, if he shall be continued Recorder under the provisions thereof, to make and settle a Table of the Fees which shall be taken by the Clerk of the Peace and Registrar and Officers of the Court of Record; and in those Boroughs in which there shall be a Court of Conscience, the Judge of such Court shall make and settle a Table of the Fees to be taken by the Clerk and Officers of such Court); then to the end of the Clause as before, except in line 16 of the Clause, insert (Recorder or Judge, as the case may be) instead of (Council of such Borough)

Page 100. Leave out **CLAUSE XCII.**

Restore **CLAUSES 130, 131.**

Page 101. Disagree to the Amendment at ⁽⁴⁾

After (Londonderry) line 8, insert (or any Justice having jurisdiction in any Borough)

Before (Town) at ⁽⁸⁾ and ⁽⁹⁾ insert (Borough or)

After (Liberties) line 29, insert (or Borough)

Page 102. Line 11, after (Liberties) insert (or Borough)

Lines 24, 27, before (Town) insert (Borough or)

Line 25, after (applied) insert (and although a Burgess or Householder, shall be deemed an incompetent witness in any suit or proceeding at law or in equity, by reason of his being a member of any body corporate, or interested in the Borough or Town Fund, and no such person)

Page 104. Line 1, insert (Borough or) before (Town)

Page 105. Restore **CLAUSES 140, 141, 142.**

Page 107. Line 2, after (Corporate) insert (and every provision for the formation of a Burgess Roll, or for the election of a Mayor, Aldermen or Councillors, or of Auditors or Assessors, or relating to the powers or duties of any Mayor, Council or Town Clerk, Auditors or Assessors, shall be applied to such Boroughs only as are named in the said Schedule (A.))

Disagree to the Amendments at ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾

SCHEDULE (A.)

BOROUGHS which are to have a MAYOR and COUNCIL.

BOROUGH.	Wards.	Aldermen.	Council.	STYLE OF CORPORATE BODY.
BELFAST - - -	5	10	30	The Sovereign, Free Burgesses and Commonalty of the Borough of Belfast.
CARRICKFERGUS -	-	6	18	The Mayor, Sheriff, Burgesses and Commonalty of the Town of Carrickfergus.
CLONMEL - - -	3	6	18	The Mayor, Free Burgesses and Commonalty of the Town of Clonmel.
CORK - - -	8	16	48	The Mayor, Sheriffs and Commonalty of the City of Cork.
DROGHEDA - - -	3	6	18	The Mayor, Sheriffs, Burgesses and Commonalty of the County of the Town of Drogheda.
DUBLIN - - -	16	16	48	The Right honourable the Lord Mayor, Sheriffs, Commons and Citizens of the City of Dublin.
GALWAY - - -	5	10	30	The Mayor, Sheriffs, Free Burgesses and Commonalty of the Town and County of the Town of Galway.
KILKENNY - - -	3	6	18	The Mayor and Citizens of the City of Kilkenny.
				The Portreeve, Burgesses and Commons of the Borough or Town of Irishtown.
LIMERICK - - -	5	10	30	The Mayor, Sheriffs and Citizens of the City of Limerick.
LONDONDERRY -	3	6	18	The Mayor, Commonalty and Citizens of Londonderry.
SLIGO - - -	3	6	18	The Provost, Free Burgesses and Commonalty of the Borough of Sligo.
WATERFORD -	5	10	30	The Mayor, Sheriffs and Citizens of County of the City of Waterford, in the Kingdom of Ireland.

SCHEDULE (B.)

BOROUGH which is to have a COUNCIL, but not to be divided into WARDS—

CARRICKFERGUS.

SCHEDULE (C.)

SECTION 1.

BOROUGH.	STYLE OF CORPORATE BODY.
ARMAGH - -	The Sovereign, Free Burgesses and Commonalty of the Borough of Armagh.
ATHLONE - -	The Sovereign, Bailiffs, Burgesses and Freemen of the Town of Athlone.
BANDON - -	The Provost, Free Burgesses and Commonalty of the Borough of Bandon Bridge.
CARLOW - -	The Sovereign, Free Burgesses and Commonalty of the Borough of Catherlagh.
CASHEL - -	The Mayor, Aldermen, Bailiffs, Citizens and Commons of the City of Cashel.
COLERAINE - -	The Mayor, Aldermen and Burgesses of the Town of Coleraine.
DUNDALK - -	The Bailiff, Burgesses and Commonalty of the Borough of Dundalk.
DUNGANNON - -	The Provost, Free Burgesses and Commons of the Borough of Dungannon.
ENNIS - - -	The Provost, Free Burgesses and Commonalty of the Town of Ennis.
ENNISKILLEN - -	The Portreeve, Free Burgesses and Commonalty of the Borough of Enniskillen.
KINSALE - -	The Sovereign, Burgesses and Commonalty of the Town of Kinsale.
NAAS - - -	The Sovereign, Provost, Burgesses and Commonalty of Naas.
NEW ROSS - -	The Sovereign and Burgesses of New Ross.
PORTARLINGTON	The Sovereign, Bailiffs and Burgesses of the Borough and Town of Portarlington.
STRABANE - -	The Provost, Free Burgesses and Commonalty of the Town of Strabane.
TRALEE - - -	The Provost, Free Burgesses and Commonalty of the Borough of Tralee.
TUAM - - -	The Sovereign, Free Burgesses and Commonalty of the Borough of Tuam.
WEXFORD - -	The Mayor, Bailiffs, Free Burgesses and Commonalty of the Town or Borough of Wexford.
WICKLOW - -	The Portreeve, Free Burgesses and Commonalty of the Borough of Wicklow.
YOUGHAL - -	The Mayor, Bailiffs, Burgesses and Commonalty of the Town of Youghal.

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SECTION 2.

BOROUGH.	STYLE OF CORPORATE BODY.
ARDEE - - -	The Portreeve, Burgesses and Commons of the Corporation of Atherdee.
ATHY - - -	The Sovereign, Bailiffs, Free Burgesses and Commonalty of the Borough of Athy.
BANGOR - - -	The Provost, Free Burgesses and Commonalty of the Borough of Bangor.
BELTURBET - -	The Provost, Free Burgesses and Commonalty of the Borough of Belturbet.
BOYLE - - -	The Borough Master, Free Burgesses and Commonalty of the Borough of Boyle.
CALLAN - - -	The Sovereign, Burgesses and Freemen of Callan.
CHARLEVILLE -	The Sovereign, Bailiffs and Burgesses of the Borough of Charleville.
CLOGHNAKILTY -	The Sovereign, Free Burgesses and Commonalty of the Borough of Cloghnakilty.
DINGLE - - -	The Sovereign, Burgesses and Commonalty of the Town of Dingle-i-couch.
ENNISCORTHY -	The Portreeve, Free Burgesses and Commonalty of the Borough of Enniscorthy.
FETHARD - - -	The Sovereign, Chief Burgesses, Portreeve and Freemen of the Town of Fethard.
GOREY - - -	The Sovereign, Burgesses and Free Commons of the Borough and Town of Newborough.
KELLS - - -	The Sovereign, Provosts, Burgesses and Commonalty of the Borough of Kells.
LONGFORD - - -	The Sovereign, Bailiffs and Burgesses of the Borough of Longford.
MARYBOROUGH -	The Burgomaster, Bailiffs, Burgesses and Commonalty of Maryborough.
MONAGHAN - - -	The Provost, Free Burgesses and Commonalty of the Borough of Monaghan.
NAVAN - - -	The Portreeve, Burgesses and Freemen of the Town or Borough of Navan.
TRIM - - -	The Portreeve, Burgesses and Freemen of Trim.

Municipal Corporations (*Ireland*) Bill.

MEMORANDUM

OF

PROPOSED AMENDMENTS,

On Consideration of the AMENDMENTS
by The House of Lords in the Irish
MUNICIPAL CORPORATIONS BILL.

13 June 1836.

(o.97.)

ref



(Ireland.)

A

B I L L

To restrain the Alienation of Corporate Property in certain Towns in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS it is fitting that provision be forthwith made against the wasting and impoverishing of the Estates and Effects of the Bodies Corporate now constituted in sundry Towns in Ireland, until such time as Parliament may devise a remedy for the corruptions and abuses continued and practised therein, to the end that the said Estates and Effects may be preserved and maintained for the use and benefit of the Inhabitants of the said Towns, and upon and for the several trusts and purposes to which the same ought to be applied ; **BE it therefore Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** all conveyances, alienations, settlements, charges and incumbrances whatsoever of, out of or upon any lands, tenements or hereditaments to which any Body Corporate or late or reputed Body Corporate named in the Schedule to this Act annexed, or any one or more of the members of any of the said Bodies Corporate, in his or their corporate capacity, or any person or persons in trust for them, or any of them, have or may acquire, or on or before the *Fifth* day of *June* in the year *One thousand eight hundred and Thirty-five* had any right or title, and all assignments, conveyances, grants, transferences or dispositions of any their personal estate or estates which shall have been made since the said *Fifth* day of *June*, shall be deemed and adjudged to be absolutely null and void, except only such dispositions as shall have been made of any part of their real or personal estate for paying any just and lawful debt contracted by them before the said *Fifth* day of *June*, and for defraying the legal salaries of necessary officers and other

Preamble.

1.
Disposition
of Corporate
Property, ex-
cept for legal
and necessary
purposes, void,
unless con-
firmed by
Parliament.

legal and necessary disbursements which before the said *Fifth* day of *June* and for *Three* years then last past had been usually and lawfully made by such Body Corporate, and except such as shall be confirmed by authority of Parliament by some statute to be passed in the Session of Parliament now next ensuing ; and every person who shall become seised or possessed of any part of the said real or personal estate, or to whom any payment out of the rents and profits thereof shall have been made since the said *Fifth* day of *June*, except as hereinbefore is excepted, shall hold the same as a trustee for the Body Corporate from whom or by or under whose direction he shall have acquired or received the same, subject to such provision as before the end of the Session of Parliament now next ensuing shall be made by Parliament in that behalf.

2.
Monies to be paid into the Bank of Ireland.

And be it Enacted, That each of the said Bodies Corporate or reputed or late Bodies Corporate shall cause an account to be forthwith opened and kept in their name with the Bank of Ireland, or some branch thereof, and that every person into whose hands shall come any of the monies or valuable securities of any of the said Bodies Corporate over and above that which shall be needed for defraying the legal and necessary charges of carrying on the business of the said Body Corporate as aforesaid, shall pay or cause the same to be paid into the Bank of Ireland, or some branch thereof, to the account of the said Body Corporate.

3.
Securities for Debts to be assigned to Trustees appointed by the Bank of Ireland.

And be it Enacted, That every auditor of any of the said Bodies Corporate who shall be satisfied of his, her or their debt or demand shall, at or before his, her or their receipt thereof, convey or assign over all such securities as he, she or they shall have for the same, with covenants against their own acts and deeds, to such person or persons as the Governor and Company of the Bank of Ireland, on the request in writing of such creditor, shall appoint for that purpose, and the person or persons to whom such securities shall be so assigned shall stand seised or possessed of the estate thereby vested in him or them in trust for the said Body Corporate until such time as Parliament shall otherwise provide.

4.
Officers appointed since 5 June 1835 not to be therefore entitled to Compensation.

And be it Enacted, That no person who shall have been appointed to any office or place of profit in or by any of the said Bodies Corporate since the said *Fifth* day of *June*, shall be entitled by reason of such appointment to have any compensation for the loss of such office or place of profit, or of the fees and emoluments thereof, in case provision shall be made, upon any future reformation of the said Bodies Corporate, for removing him or authorizing his removal from such office or place of profit, or for amending or abolishing the same.

SCHEDULE

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SCHEDULE to which this Act refers.

BOROUGHs,	STYLE OF CORPORATE BODY.
Ardee - -	The Portreeve, Burgesses and Commons of the Corporation of Atherdee.
Armagh - -	The Sovereign, Free Burgesses and Commonalty of the Borough of Armagh.
Athlone - -	The Sovereign, Bailiffs, Burgesses and Freemen of the Town of Athlone.
Athy - -	The Sovereign, Bailiffs, Free Burgesses and Commonalty of the Borough of Athy.
Bandon - -	The Provost, Free Burgesses and Commonalty of the Borough of Bandon Bridge.
Bangor - -	The Provost, Free Burgesses and Commonalty of the Borough of Bangor.
Belfast - -	The Sovereign, Free Burgesses and Commonalty of the Borough of Belfast.
Belturbet - -	The Provost, Free Burgesses and Commonalty of the Borough of Belturbet.
Boyle - -	The Borough Master, Free Burgesses and Commonalty of the Borough of Boyle.
Callan - -	The Sovereign, Burgesses and Freemen of Callan.
Carlow - -	The Sovereign, Free Burgesses and Commonalty of the Borough of Catherlagh.
Carrickfergus - -	The Mayor, Sheriff, Burgesses and Commonalty of the Town of Carrickfergus.
Cashel - -	The Mayor, Aldermen, Bailiffs, Citizens and Commons of the City of Cashel.
Charleville - -	The Sovereign, Bailiffs and Burgesses of the Borough of Charleville.
Clognakilty - -	The Sovereign, Free Burgesses and Commonalty of the Borough of Clognakilty.
Clonmell - -	The Mayor, Free Burgesses and Commonalty of the Town of Clonmell.
Coleraine - -	The Mayor, Aldermen and Burgesses of the Town of Coleraine.
Cork - -	The Mayor, Sheriffs and Commonalty of the City of Cork.
Dingle - -	The Sovereign, Burgesses and Commonalty of the Town of Dingle-i-Couch.
Dregheda - -	The Mayor, Sheriffs, Burgesses and Commonalty of the County of the Town of Drogheda.
Dublin - -	The Right honourable the Lord Mayor, Sheriffs, Commons and Citizens of the City of Dublin.
Dundalk - -	The Bailiff, Burgesses and Commonalty of the Borough of Dunkalk.
Dungannon - -	The Provost, Free Burgesses and Commons of the Borough of Dungannon.
Ennis - -	The Provost, Free Burgesses and Commonalty of the Town of Ennis.
Enniscorthy - -	The Portreeve, Free Burgesses and Commonalty of the Borough of Enniscorthy.
Enniskillen - -	The Portreeve, Free Burgesses and Commonalty of the Borough of Enniskillen.
Fethard - -	The Sovereign, Chief Burgesses, Portreeve and Freemen of the Town of Fethard.
Galway - -	The Mayor, Sheriffs, Free Burgesses and Commonalty of the Town and County of the Town of Galway.
Gorey - -	The Sovereign, Burgesses and Free Commons of the Borough and Town of Newborough.
Kells - -	The Sovereign, Provosts, Burgesses and Commonalty of the Borough of Kells.
Kilkenny - -	The Mayor and Citizens of the City of Kilkenny. The Portreeve, Burgesses and Commons of the Borough or Town of Irishtown.
Kinsale - -	The Sovereign, Burgesses and Commonalty of the Town of Kinsale.
Limerick - -	The Mayor, Sheriffs and Citizens of the City of Limerick.
Londonderry - -	The Mayor, Commonalty and Citizens of Londonderry.
Longford - -	The Sovereign, Bailiffs and Burgesses of the Borough of Longford.
Maryborough - -	The Burgomaster, Bailiffs, Burgesses and Commonalty of Maryborough.

(continued.)

BOROUGHES.	STYLE OF CORPORATE BODY.
Monaghan -	The Provost, Free Burgesses and Commonalty of the Borough of Monaghan.
Naas - -	The Sovereign, Provost, Burgesses and Commonalty of Naas.
Navan - -	The Portreeve, Burgesses and Freemen of the Town or Borough of Navan.
New Ross -	The Sovereign and Burgesses of New Ross.
Portarlington -	The Sovereign, Bailiffs and Burgesses of the Borough and Town of Portarlington.
Sligo - -	The Provost, Free Burgesses and Commonalty of the Borough of Sligo.
Strabane - -	The Provost, Free Burgesses and Commonalty of the Town of Strabane.
Tralee - -	The Provost, Free Burgesses and Commonalty of the Borough of Tralee.
Trim - - -	The Portreeve, Burgesses and Freemen of Trim.
Tuam - - -	The Sovereign, Free Burgesses and Commonalty of the Borough of Tuam.
Waterford	The Mayor, Sheriffs and Citizens of the County of the City of Waterford, in the Kingdom of Ireland.
Wexford - -	The Mayor, Bailiffs, Free Burgesses and Commonalty of the Town or Borough of Wexford.
Wicklow - -	The Portreeve, Free Burgesses and Commonalty of the Borough of Wicklow.
Youghal - -	The Mayor, Bailiffs, Burgesses and Commonalty of the Town of Youghal.

Corporate Property.

(Ireland.)

A

B I L L

To restrain the Alienation of Corporate Property
in certain Towns in Ireland.

(Prepared and brought in by
Lord Viscount Morpeth and Mr. Attorney
General for Ireland.)

Ordered, by The House of Commons, to be Printed,
8 July 1836.



21/11

(Ireland.)

A

B I L L

[AS AMENDED ON THE RE-COMMITMENT]

To restrain the Alienation of Corporate Property in certain Towns in *Ireland*.

WHEREAS it is fitting that provision be forthwith made Preamble.
against the wasting and impoverishing of the Estates and
Effects of the Bodies Corporate now constituted in sundry Towns in
Ireland, until such time as Parliament may devise a remedy for the
corruptions and abuses continued and practised therein, to the end
that the said Estates and Effects may be preserved and maintained
for the use and benefit of the Inhabitants of the said Towns, and
upon and for the several trusts and purposes to which the same
ought to be applied; **BE it therefore Enacted**, by The KING's most
Excellent MAJESTY, by and with the Advice and Consent of the
Lords Spiritual and Temporal, and Commons, in this present Parlia-
ment assembled, and by the Authority of the same, **THAT** all con-
veyances, alienations, settlements, charges and incumbrances what-
soever of, out of or upon any lands, tenements or hereditaments to
which any Body Corporate or late or reputed Body Corporate named
in the Schedule to this Act annexed, or any one or more of the
members of any of the said Bodies Corporate, in his or their corporate
capacity, or any person or persons in trust for them, or any of them,
have or may acquire, or on or before the Fifth day of June in the year
One thousand eight hundred and Thirty-five had any right or title, and
all assignments, conveyances, grants, transferences or dispositions of
any their personal estate or estates which shall have been made since
the said Fifth day of June, except only such dispositions as shall have

1.
Disposition
of Corporate
Property, ex-
cept for legal
and necessary
purposes, void,
unless con-
firmed by
Parliament.

been made of any part of their real or personal estate for paying any just and lawful debt contracted by them before the said Fifth day of June, and for defraying the legal salaries of necessary officers and other legal and necessary disbursements which before the said Fifth day of June and for Three years then last past had been usually and lawfully made by such Body Corporate, may be called in question in such manner as Parliament may direct, and if found to have been made fraudulently or collusively, or for no consideration, or for an inadequate consideration, may be deemed and adjudged to be absolutely null and void, and except such as shall be confirmed by authority of Parliament by some statute to be passed in the Session of Parliament now next ensuing; and every person who shall become seised or possessed of any part of the said real or personal estate, or to whom any payment out of the rents and profits thereof shall have been made since the said Fifth day of June, by any disposition thereof which shall be liable to be so called in question, and which shall thereupon be deemed and adjudged to be null and void, except as hereinbefore is excepted, shall hold the same as a trustee for the Body Corporate from whom or by or under whose direction he shall have acquired or received the same, subject to such provision as before the end of the Session of Parliament now next ensuing shall be made by Parliament in that behalf.

2.
Monies to be
paid into the
Bank of
Ireland.

And be it Enacted, That each of the said Bodies Corporate or reputed or late Bodies Corporate shall cause an account to be forthwith opened and kept in their name with the Bank of *Ireland*, or some branch thereof, and that every person into whose hands shall come any of the monies or valuable securities of any of the said Bodies Corporate over and above that which shall be needed for defraying the legal and necessary charges of carrying on the business of the said Body Corporate as aforesaid, or of discharging the legal debts of the said Body Corporate, shall pay or cause the same to be paid into the Bank of *Ireland*, or some branch thereof, to the account of the said Body Corporate.

3.
Securities for
Debts to be
assigned to
Trustees ap-
pointed by
the Bank of
Ireland.

And be it Enacted, That every creditor of any of the said Bodies Corporate who shall be satisfied of his, her or their debt or demand shall, at or before his, her or their receipt thereof, convey or assign over all such securities as he, she or they shall have for the same, with covenants against their own acts and deeds, to such person or persons as the Governor and Company of the Bank of *Ireland*, on the request in writing of such creditor, shall appoint for that purpose, and the person or persons to whom such securities shall be so assigned shall stand seised or possessed of the estate thereby vested in him or them in trust for the said Body Corporate until such time as Parliament shall otherwise provide.

And

And be it Enacted, That no person who shall have been appointed to any office or place of profit in or by any of the said Bodies Corporate since the said Fifth day of June, shall be entitled by reason of such appointment to have any compensation for the loss of such office or place of profit, or of the fees and emoluments thereof, in case provision shall be made, upon any future reformation of the said Bodies Corporate, for removing him or authorizing his removal from such office or place of profit, or for amending or abolishing the same, if such appointment shall not appear to have been rendered necessary by the circumstances of the case.

4. Officers appointed since 5 June 1835 not to be therefore entitled to Compensation.

ny 3

SCHEDULE to which this Act refers.

BOROUGHs.	STYLE OF CORPORATE BODY.
Ardee - -	The Portreeve, Burgesses and Commons of the Corporation of Atherdee.
Armagh - -	The Sovereign, Free Burgesses and Commonalty of the Borough of Armagh.
Athlone - -	The Sovereign, Bailiffs, Burgesses and Freemen of the Town of Athlone.
Athy - - -	The Sovereign, Bailiffs, Free Burgesses and Commonalty of the Borough of Athy.
Bandon - -	The Provost, Free Burgesses and Commonalty of the Borough of Bandon Bridge.
Bangor - - -	The Provost, Free Burgesses and Commonalty of the Borough of Bangor.
Belfast - -	The Sovereign, Free Burgesses and Commonalty of the Borough of Belfast.
Belturbet - -	The Provost, Free Burgesses and Commonalty of the Borough of Belturbet.
Boyle - - -	The Borough Master, Free Burgesses and Commonalty of the Borough of Boyle.
Callan - - -	The Sovereign, Burgesses and Freemen of Callan.
Carlow - - -	The Sovereign, Free Burgesses and Commonalty of the Borough of Catherlagh.
Carrickfergus -	The Mayor, Sheriff, Burgesses and Commonalty of the Town of Carrickfergus.
Cashel - - -	The Mayor, Aldermen, Bailiffs, Citizens and Commons of the City of Cashel.
Charleville - -	The Sovereign, Bailiffs and Burgesses of the Borough of Charleville.
Clognakilty - -	The Sovereign, Free Burgesses and Commonalty of the Borough of Clognakilty.
Clonmell - - -	The Mayor, Free Burgesses and Commonalty of the Town of Clonmell.
Coleraine - - -	The Mayor, Aldermen and Burgesses of the Town of Coleraine.
Cork - - - -	The Mayor, Sheriffs and Commonalty of the City of Cork.
Dingle - - - -	The Sovereign, Burgesses and Commonalty of the Town of Dingle-i-Couch.
Dregheda - - -	The Mayor, Sheriffs, Burgesses and Commonalty of the County of the Town of Drogheda.
Dublin - - - -	The Right honourable the Lord Mayor, Sheriffs, Commons and Citizens of the City of Dublin.
Dundalk - - - -	The Bailiff, Burgesses and Commonalty of the Borough of Dunkalk.
Dungannon - -	The Provost, Free Burgesses and Commons of the Borough of Dungannon.
Ennis - - - -	The Provost, Free Burgesses and Commonalty of the Town of Ennis.
Enniscorthy - -	The Portreeve, Free Burgesses and Commonalty of the Borough of Enniscorthy.
Enniskillen - -	The Portreeve, Free Burgesses and Commonalty of the Borough of Enniskillen.
Fethard - - - -	The Sovereign, Chief Burgesses, Portreeve and Freemen of the Town of Fethard.
Galway - - - -	The Mayor, Sheriffs, Free Burgesses and Commonalty of the Town and County of the Town of Galway.
Gorey - - - -	The Sovereign, Burgesses and Free Commons of the Borough and Town of Newborough.
Kells - - - -	The Sovereign, Provosts, Burgesses and Commonalty of the Borough of Kells.
Kilkenny - - -	The Mayor and Citizens of the City of Kilkenny. The Portreeve, Burgesses and Commons of the Borough or Town of Irishtown.
Kinsale - - - -	
Limerick - - -	The Mayor, Sheriffs and Citizens of the City of Limerick.
Londonderry - -	The Mayor, Commonalty and Citizens of Londonderry.
Longford - - -	The Sovereign, Bailiffs and Burgesses of the Borough of Longford.
Maryborough - -	The Burgomaster, Bailiffs, Burgesses and Commonalty of Maryborough.

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BOROUGHES.	STYLE OF CORPORATE BODY— <i>continued.</i>
Monaghan	- The Provost, Free Burgesses and Commonalty of the Borough of Monaghan.
Naas	- The Sovereign, Provost, Burgesses and Commonalty of Naas.
Navan	- The Portreeve, Burgesses and Freemen of the Town or Borough of Navan.
New Ross	- The Sovereign and Burgesses of New Ross.
Portarlington	- The Sovereign, Bailiffs and Burgesses of the Borough and Town of Portarlington.
Sligo	- The Provost, Free Burgesses and Commonalty of the Borough of Sligo.
Strabane	- The Provost, Free Burgesses and Commonalty of the Town of Strabane.
Tralee	- The Provost, Free Burgesses and Commonalty of the Borough of Tralee.
Trim	- The Portreeve, Burgesses and Freemen of Trim.
Tuam	- The Sovereign, Free Burgesses and Commonalty of the Borough of Tuam.
Waterford	The Mayor, Sheriffs and Citizens of the County of the City of Waterford, in the Kingdom of Ireland.
Wexford	- The Mayor, Bailiffs, Free Burgesses and Commonalty of the Town or Borough of Wexford.
Wicklow	- The Portreeve, Free Burgesses and Commonalty of the Borough of Wicklow.
Youghal	- The Mayor, Bailiffs, Burgesses and Commonalty of the Town of Youghal.

Corporate Property.

(Ireland.)

A

B I L L

[AS AMENDED ON THE RE-COMMITMENT]

To restrain the Alienation of Corporate Property
in certain Towns in Ireland.

(Prepared and brought in by
Lord Viscount Morpeth and Mr. Attorney
General for Ireland.)

Ordered, by The House of Commons, to be Printed,
29 July 1836.
